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PREVENTION OF DELINQUENCY, JUVENILE JUSTICE AND THE PROTECTION OF THE YOUNG: POLICY APPROACHES AND DIRECTIONS

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INTRODUCTION

1. The prevention of juvenile delinquency, the administration of juvenile justice and the protection of the young have undergone a progressive evolution of thought and action under the aegis of the United Nations congresses.* Many of the problems and aspects have been approached from different perspectives and, over the years, important achievements have been made, in conjunction with world-wide changes in the social, cultural and economic situation. The rights of the child have been accepted as a universal concept. The culmination of the long process of the promotion of those rights was the adoption by the General Assembly, on 20 November 1989, of the Convention on the Rights of the Child (General Assembly resolution 44/25, annex).

2. The Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders, by establishing the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules) (General Assembly resolution 40/33, annex), made a major contribution to the protection of the rights of juveniles in conflict with the law. The Rules have inspired innovation and reform in juvenile justice all over the world. They advocate the least possible use of institutionalization, and only as a measure of last resort; increased recourse to diversion; establishment of juvenile courts and the use of separate facilities for juvenile offenders; professionalization of personnel dealing with juveniles in conflict with the law; decriminalization and depenalization; respect of substantive and procedural rights; and abolition of capital and corporal punishment for juveniles. Less than five years after their adoption, the Rules have had a significant impact on many justice systems, as indicated in the report of the Secretary-General on their implementation (A/CONF/144/4). The Seventh Congress called for further standard-setting in the juvenile justice field to complement these Rules.

3. The prevention of delinquency was accorded high priority by the Seventh Congress. On its recommendation, the General Assembly, in its resolution 40/35, recognizing that the prevention of juvenile delinquency should include measures for the protection of young persons who were abandoned, neglected, abused or in marginal circumstances and, in general, those who were at social risk, called for the development of standards in this respect. It also acknowledged that one of the basic aims of the prevention of juvenile delinquency was the provision of requisite assistance and a range of opportunities to meet the varying needs of the young, especially those who were most likely to commit delinquent acts or to be exposed to crime. The Economic and Social Council, in its resolution 1986/10, section II, requested the Secretary-General, inter alia, to develop standards for the prevention of juvenile delinquency, and the Eighth Congress to consider the new instrument, with a view to its adoption.

4. In its resolution 21, 1/ the Seventh Congress noted that, although the Standard Minimum Rules for the Administration of Juvenile Justice stated that placement of a juvenile in an institution should be a disposition of last

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*See, for example, the International Covenants on Economic, Social and Cultural Rights and on Civil and Political Rights (General Assembly resolution 2200 A (XXI), annex) and the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others (General Assembly resolution 317 (IV), annex) and the Declaration of the Rights of the Child (General Assembly resolution 1386 (IV), annex).

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resort, large numbers of young persons were being held in penal and other closed institutions throughout the world. It was recognized that the Rules did not deal fully with the conditions in which juveniles were deprived of their liberty. It was also recognized that young persons had the right to benefit from special measures and structures designed to meet their specific needs. Young persons were identified as being very vulnerable, so deprivation of liberty during the most critical formative period of their personal development poses an enormous danger. In particular, the institutionalization of young persons with adult offenders represents a serious risk. Having noted that the United Nations Standard Minimum Rules for the Treatment of Prisoners, although having some applicability to juvenile institutions, specifically stated that they did not seek to regulate such institutions, the Congress recommended that rules should be developed for the protection of juveniles deprived of their liberty. Accordingly, the Economic and Social Council, in its resolution 1986/10, section II, requested the Secretary-General to formulate such rules, and the Eighth Congress to consider the new instrument, with a view to its adoption.

I. GENERAL DIMENSIONS OF JUVENILE DELINQUENCY

5. In developing countries, youth as a population group is constantly growing. By the year 2000, half of the world's population will be under the age of 25. 2/ Very often young people are deprived too soon of their childhood and are forced at a young age to earn their living in an adult world. Thus deprived of the chance to develop gradually into responsible members of society, they are very likely to come into conflict with the law.

6. The rising incidence and increasing seriousness of juvenile delinquency in many countries may be precipitated by certain socio-economic problems often associated with development. These include poverty, rapid population growth, inadequate shelter and housing, industrialization, urbanization, youth unemployment and underemployment, breakdown of the family unit, erosion of traditional values and internationalization of behaviour patterns, the growing influence of the mass media, a weakening of community support systems, inadequate provision of social services and the inability of the education system to respond to new challenges. Young people are the least able to support themselves, are often marginalized and are among the most frequent victims of "critical" poverty.

7. The impact of the debt crisis upon social policies and community life in the developing world cannot be underestimated. Inevitably, there is a tendency to accord insufficiently high priority to programmes for the prevention of delinquency. The debt crisis is not just a matter of budget deficits; its effect on day-to-day life distorts priorities and inhibits social development generally, and particularly in the area of crime prevention.

8. In the African region, juvenile crime and delinquency appear to remain primarily an urban problem. The principal offences committed by young persons are theft, robbery, smuggling, prostitution, abuse of narcotic substances and drug trafficking. They are often attributed to hunger, poverty, malnutrition and unemployment, which are linked to the marginalization of juveniles in the already severely disadvantaged segments of society. Juvenile crime and delinquency are on the increase on that continent, a trend also linked to the rapid social, political and economic changes that have taken place in Africa in recent decades. 3/

9. In the Asian and Pacific region juvenile crime and delinquency are also largely urban phenomena. There appears to have been a marked increase in the incidence and gravity of youth crime and delinquency over the last two decades. Statistically, young persons constitute the most criminally active portion of the population. The most alarming trends in the region are the rise in the number of violent acts committed by young persons, the increase in drug-related offences and a marked rise in female juvenile delinquency. 4/

10. The Latin American Regional Preparatory Meeting for the Eighth Congress noted that the problem of juvenile delinquency in that region was particularly acute, as young persons constituted a very high percentage of the population; 45 per cent of the population is under 17 years of age, and in some countries the percentage is even higher. 5/ For example, in El Salvador young people below 18 years of age account for 55 per cent of the population; in Ecuador, 56 per cent of the inhabitants are under 15 years of age; and in Nicaragua, 60.4 per cent are under 19 years of age. 6/ The young are the hardest hit by the economic problems generated by the debt crisis in the region, as is borne out by the extremely high unemployment rates prevailing among them.*

11. In the Arab region, juvenile delinquency appears to be less serious than it is in other parts of the world. It does pose certain problems, however, varying from one country to another. Some countries, such as Egypt, the Sudan and Tunisia, have experienced socio-economic difficulties, while others, such as Kuwait, Saudi Arabia and the United Arab Emirates, have become prosperous. In the latter group, delinquency may be attributed to such factors as the impact of migrants seeking employment, continued urbanization, sudden affluence and a rapidly changing economy, and a heterogeneous population. The conflict between traditional Arab-Islamic values and the new, often imported, values appears to be a common problem throughout the region. 7/

12. In developed countries, the population as a whole is growing older because of a combination of factors, the principal ones being decreasing birth rates and increased life expectancy.

13. Families tend to have fewer children, and the children of those families tend to protract adolescence well beyond the traditional limits. This phase can extend easily up to the age of 25 years. This phenomenon may be due, for example, to high rates of primary unemployment, diminished social pressures to establish a family, difficulties in finding suitable housing in densely populated urban areas and prolonged education in more favourable economic situations, which may postpone a young person's independence and autonomy. This virtually lengthens the period in which many young people run a higher risk of drifting into conflict with the law, a risk that is particularly acute in the transitional phase of human maturation.

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*According to a study, based on a scale of five socio-economic levels and conducted by the United Nations Latin American Institute for the Prevention of Crime and the Treatment of Offenders in 18 countries of the region, 89 per cent of the cases handled by the juvenile justice system were distributed between the two lowest levels, characterized by a very low family income. Most of the cases originated from a situation of "critical" poverty. See also the report of the Latin American and Caribbean Regional Preparatory Meeting for the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders (San José, Costa Rica, 8-12 May 1989) (A/CONF.144/RPM.3 and Corr.1).

14. In the Western world, increased prosperity and the availability of ever more consumer goods has led to increased opportunities for juvenile crime, including theft, vandalism and destruction of property. With the social changes of the last few decades, the smaller, nuclear family has replaced the extended one, the informal traditional control over young people exercised by adults - parents and relatives, teachers, sports trainers, youth workers etc. - has gradually declined and no adequate substitutes have been provided. If, as indicated by research, 8/ the lack of, or insufficient, parental supervision is one of the strongest predictors of delinquency, the contemporary Western family structure is one of the most important factors associated with an increase of juvenile delinquency in the last 50 years.

15. Within developed countries, there are groups of impoverished and needy persons, suffering from relative deprivation in the midst of affluence. Their specific circumstances vary with the local socio-economic situations, but they merit special attention from social assistance agencies. Unfortunately, in recent years, some wealthy countries have curtailed their social services, dramatically reducing the budget allocations for the weakest strata of the population. Poverty has increased and the problem of the homeless has reached alarming dimensions. These persons find themselves isolated from the larger society and deprived of the financial support and structures that were assisting them in their disadvantaged circumstances. There is an urgent need to revise social policies that inadvertently penalize the weak and the poor, making them more prone to come into conflict with the law in order to survive.

16. In the European region, evaluative research has shown that although there has been a marked increase in juvenile delinquency since the end of the Second World War, juvenile delinquency stabilized in the early 1980s and is now declining in a number of countries, not only in absolute numbers, in terms of which it may have followed the decrease in birth rates, but also in delinquency rates. Young females and young males seem to have different delinquency patterns: male delinquency has been stabilizing and declining, while female delinquency has risen steeply since the end of the 1970s and has only recently started to decline. On the whole, it would appear that young males still commit more frequent and more serious offences than females, but there are hardly any differences in petty offences. 9/

17. Among the new types of youth crime are the so-called "play-type" offences. 4/ No deep-rooted motivation, except, perhaps, boredom and the search for fun or "kicks" can be ascertained for the commission of these offences, which may range from shoplifting and solvent abuse to far more serious offences, such as assault, rape and murder.

18. One type of offence that is causing serious concern in many parts of the world is the "hate" or "bias" crime, involving violent acts, mostly assaults, committed by groups of at least four persons. "Hate crimes" are committed by those in their teens or early twenties, but are not spawned by youthful rebellion. According to research, the perpetrators act out feelings shared by their families, friends and communities. These acts of violence originate in racial, religious and ethnic prejudice and tend to be more severe than other assaults. Often involving gangs, they occur largely in mixed neighbourhoods.

19. The Interregional Preparatory Meeting for the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders reported (A/CONF.144/IPM.3) that the violent behaviour of youth groups, such as gang activities and vandalism, for example "hooliganism" at football and other sporting events, is a trend that is also arousing serious concern all over the world. Delinquent gangs are a particularly insidious form of peer-group

influence. Various attempts have been made to explain how and why youth gangs develop. They appear to be a symptom of malfunctioning societies. Further research is needed to identify the causes of this socially troubling phenomenon, with a view to proposing effective preventive strategies.

20. In both developed and developing countries, young people below 25 years of age are the largest consumer group of illicit drugs and the major victims of the illicit drug trade. Even in countries where drug consumption per se is not considered to be an offence, this pattern may hinder young people from developing their full potential and becoming integrated into the mainstream of social, economic, cultural and political life. The consumption of illicit drugs can lead to involvement in "irregular situations" and induction into criminogenic sub-cultures. Since drug-related offences account for a large percentage of the crimes committed in many countries, comprehensive strategies and programmes need to be developed for the prevention of alcohol, drug and other substance abuse by young persons (A/CONF.144/RPM.1 and A/CONF.144/RPM.4).

21. In many countries, the denial of opportunities for the balanced development of the young, lack of social support and care facilities and declining employment prospects against a background of poverty, deprivation and backwardness are among the major factors affecting juvenile delinquency. Misconduct can be a reaction to the lack of appropriate education, employment and livelihood prospects, or to the disparity between increased aspirations and limited options.

22. The failure to protect and preserve the cultural integrity of indigenous minority groups has contributed to the accelerated breakdown of many traditional family structures and relationships. This breakdown may have come about because of economic pressures, through the misuse of alcohol, or illicit drugs or in several other ways. However, it is a matter of common observation that young people from indigenous minority groups are almost invariably overrepresented in juvenile delinquency figures. While the clock cannot be turned back, it is incumbent upon nations to find ways of reinvolving the traditional community leaders of indigenous groups in a dialogue with the rest of the population in their areas. 10/

23. It would appear from studies carried out in different countries that the crime rate among minority groups, particularly migrants and foreigners, is higher than it is among native residents. These studies, however, often ignore the fact that first-generation migrants are usually young males, statistically the most active category in crime. More accurate data could be obtained by comparing migrants with native residents of the same age group and in comparable circumstances. It has also been noted in some countries that first-generation immigrants have a lower crime rate than their peers in their country of origin, as well as in the host country, while the crime rate among their children is higher. 11/

24. The problems of young second-generation migrants are to some extent similar to those facing indigenous young persons from a disadvantaged social background: high unemployment rates, few opportunities for constructive use of leisure time, bad housing and limited possibilities for social and individual advancement. Their position is made even more unfavourable by the intolerant and discriminatory attitude of the native population; weak family support (since the parents themselves may be experiencing difficulties in the host country); and differences between the values of the family and those of the surrounding society. Xenophobic attitudes can bias education, employment and criminal justice processes. 12/

25. Policies in the host country should not necessarily be designed to assimilate foreigners, which they themselves may not even wish but rather to reduce the obstacles to the participation of migrants and other non-residents in social life. Policies for the prevention of juvenile delinquency should be designed to enhance the social integration of young migrants, especially those in situations of social risk. Ultimately, and in accordance with the draft United Nations guidelines for the prevention of juvenile delinquency (see paragraph 26 below), in particular paragraph 15, dealing with the socialization of children in the family and paragraph 27, dealing with special educational programmes, young migrants should be offered the same opportunities as native young persons to achieve a satisfying position and effective participation in the society of the country of residence. Further research could usefully be carried out to determine the actual incidence of, and factors associated with juvenile delinquency among young migrants and devise possible measures to prevent it.

II. DRAFT UNITED NATIONS GUIDELINES FOR THE PREVENTION OF JUVENILE DELINQUENCY (THE RIYADH GUIDELINES)

26. In pursuance of General Assembly resolution 40/35 and Economic and Social Council resolution 1986/10, section II, and on the basis of a study prepared by Allison Morris, Professor at the Institute of Criminology, Cambridge University, a set of guidelines was formulated. The first draft of the guidelines was circulated to a wide constituency of experts in the juvenile justice field. A revised text, incorporating the comments received, was considered by the Interregional Meeting of Experts on the Development of United Nations Draft Standards for the Prevention of Juvenile Delinquency, hosted by the Arab Security Studies and Training Centre at Riyadh, from 28 February to 1 March 1988. That meeting, attended by prominent experts in the field of juvenile justice and by representatives of the United Nations entities concerned, further elaborated the draft Guidelines, which were submitted to the Interregional Preparatory Meeting for the Eighth Congress on topic IV, held at Vienna from 18 to 22 April 1988. Subsequently they were also considered and endorsed by the five regional preparatory meetings. The text of the draft United Nations Guidelines for the Prevention of Juvenile Delinquency, as amended and approved by the Committee on Crime Prevention and Control at its eleventh session, is contained in the report of the Committee. 13/

27. The draft Guidelines represent a set of 65 universally applicable principles intended to prevent juvenile delinquency at the "pre-conflict" stage, that is to say, before young persons come into conflict with the law. They emphasize early protective and preventive intervention modalities for all young persons, paying special attention to situations of "social risk" (A/CONF.144/IPM.3).

28. While aimed at promoting the well-being of young persons from their early childhood, the draft Guidelines adopt a child-centred orientation in their approach to the prevention of juvenile delinquency. Accordingly, in paragraph 3 it is stressed that young persons should play an active role in partnership with society and should not be considered as mere objects of socialization and control. Programmes that are developed with the participation of the young persons for whom they are intended will reflect more accurately their needs and concerns. Young persons are more likely to be attracted by such programmes and to take an active part in them.

29. It has been well documented that, all over the world, there are virtually millions of children at social risk. These young persons have been, and are

still, subjected to disturbances affecting their social integration. They may be abused, neglected, exploited and marginalized as a result of circumstances or conditions of malfeasance, misfeasance or non-feasance on the part of adults who are supposed to be responsible for their care and protection. Children at social risk are more vulnerable to victimization and to entrapment in irregular situations, and are thus in danger of lapsing into delinquency. But even when this does not occur, they are very likely to develop psychological and social problems that may prevent them from leading normal lives and being able to interact constructively with other people.

30. Research has demonstrated that situations of social risk can be produced by factors related to the inherent characteristics of the child, for example, a congenital physical or mental disability; the relationship between the child and his or her parents or guardians; and the socio-economic circumstances in which the child lives. In most cases, a child at social risk is a product of the interplay of many factors, and the more adverse they are, the greater the chance that the child will drift towards delinquent activities.

31. The new concept of "social risk" is the basis of the draft Guidelines. The identification of situations of social risk, their causes and circumstances, and the provision of conditions for the normal and healthy development of the child, can do much to prevent juvenile delinquency.

A. Child abuse and exposure to violence

32. It is generally agreed that the prevention of child abuse can go a long way towards preventing juvenile delinquency. The quality of the parent-child relationship largely determines whether or not a child will find himself or herself in a position of "social risk".

33. A consistent theme in research on violence is the criminogenic influence of early exposure to violence, in particular in the family micro-environment. Witnessing domestic violence directed against the mother or other relatives can be detrimental for the child, even when he or she is not the victim. Abusive parents or, in general, families where violence is considered an acceptable means for solving conflicts, may serve as negative role models for the children. This behavioural pattern has a tendency to be passed on from one generation to the next, creating a vicious cycle of violence.

34. Child abuse may involve physical, emotional and sexual abuse. Studies have indicated significant correlations between child abuse and neglect and deviant behaviour among violent juvenile delinquents and among adults who have committed violent crimes. This connection between a child's history of neglect or abuse and subsequent delinquency, crime and other problems has been mostly ignored by many juvenile justice and social service systems. When child sexual abuse turns into sexual exploitation, prostitution and pornography, the victim is even more at risk. Immediate interventions to protect the physical and sexual integrity of children are crucial if permanent damage is to be avoided. 14/

35. Prolonged emotional or physical neglect, particularly in infancy, is likely to turn the victim into a child at social risk. Various measures of a purely preventive nature can be taken in this respect. Some families may be unable to meet their children's needs because of the difficult circumstances in which they live and a lack of resources. Efforts should be made to establish a wide range of family support services in accordance with the provisions contained in the section of the draft Guidelines 13/ dealing with the family

(paragraphs 11-19), with a view to helping parents to understand better their parental roles and obligations as regards child development and care. Protective, timely interventions can help to forestall potentially damaging situations.

36. The family is the primary societal unit and the principal socializing agent and every child should have the right to remain with his or her own family unless there are compelling reasons which justify the child's removal. When proof exists of some specific harm or absence of parental ties, the criteria authorizing formal intervention should be strictly defined and limited to the situations described in paragraph 46 of the draft Guidelines. 13/ Removal of the child from the home should be a measure of last resort and alternative ways of dealing with the situation should be explored. When the recourse to formal intervention is unavoidable, every effort should be made to rectify the situation that caused it, so that the child can return to his or her family.

37. The delays in the processes of the justice system and procedures and rules that are insensitive to the feelings, perceptions and fears of children can exacerbate child abuse. 15/ For example, young people obliged to give evidence during sexual abuse proceedings may be exposed to undue anxiety and stress. Child assistance agencies have a tendency to override the rights of children in their zealous attempts to help them, by, for example, separating them from their original families, placing them in foster homes or uprooting them from their environment. In cases of child sexual abuse, where a victim is institutionalized as a protective measure, the child is doubly victimized. The law, in seeking to protect children against troubled situations in the family, gives the parents or the State child welfare agency, in certain cases, the right to institutionalize them. In this way, a virtually obstacle-free path is opened up for the placement of children and young persons in institutions. 16/ It would be opportune to devise alternative measures to institutionalization.

38. In order to ensure prompt protective intervention, cases of child abuse or neglect should be uncovered as early as possible. Similarly, efforts should be made to guarantee the immediate reporting of such cases to the competent authorities. Taking into account the rights of the parents, legislation should contain provisions concerning the mandatory reporting of such cases by certain categories of professionals who, by virtue of their activity, are in contact with children and young persons. 17/ These would comprise, but not necessarily be limited to, physicians, mental health professionals, social workers and teachers. In order for these provisions to be enacted, courses on child abuse and neglect should be part of the regular curricula of the professionals concerned, as is already the case in a number of countries.

B. Child exploitation

39. The sale of and traffic in children is an underestimated and underinvestigated phenomenon, accounting for millions of "crimeless victims", who, because of their vulnerability, turn to or are subjected to exploitative practices and who, by virtue of mere involvement, not only may find themselves in situations of conflict with the law but are in need of special protection (A/CONF.144/PM.1).

40. In the report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on the sale of children (E/CN.4/Sub.2/1989/38), a number of non-governmental organizations involved in the rights of children reported on various forms of child sale and traffic. This exploitative

practice has reached serious proportions in recent years, causing concern in the international community. In particular, the sale of and traffic in children for the purpose of sexual exploitation, although not new phenomena, have become matters of serious concern in many parts of the world, owing to their links to international crime, pornography and prostitution.

41. Child pornography is the most visible form of sexual exploitation. Its production always entails child abuse. Furthermore, the existence and distribution of pornographic material using children feeds the views of paedophiliac groups, according to which sexual relations between adults and children would be normal and beneficial to the child's development. On the contrary, it has been clearly demonstrated that any such sexual relation is detrimental to the child, who is subject to exploitation because he or she does not have the emotional and intellectual maturity to give or withhold consent. It is opportune, here, to stress the importance of the role of the mass media in conveying a healthy image of childhood when portraying children, without any implied erotic message, or proposing them as possible sexual objects.

42. Special attention should be paid to certain categories of children and juveniles particularly at risk of being victimized and involved in child prostitution practices, such as abused, neglected and abandoned children, runaways, drug-addicts and street children. Appropriate structures and services should be made available for their protection. Since child pornography and prostitution are engendered not only by producers and exploiters but also by customers and consumers, action should be taken on both fronts. Measures should also be taken to proscribe "sex tourism" involving children. This practice is widespread in Africa, Asia and Latin America, although the clientele come mostly from the Western world.

43. The sexual exploitation of children often has an international character: pornographic material is usually produced in one country and distributed abroad, so as to hinder the identification of victims and producers. In many cases, the victims of child prostitution are smuggled from one country to another and young women from disadvantaged areas are lured to wealthier regions by the promise of honest employment, only to be entrapped as prostitutes. A network of inter-State information should be established and co-operation among Governments strengthened. Since the victims of child sexual exploitation are often missing children - runaways, or children who have been abducted, sold or abandoned - efforts should be concentrated on improving international collaboration in tackling this specific problem.*

44. Another alarming exploitative situation arises from the fact that, in many parts of the world, massive numbers of children are considered commodities to be used for economic benefit. Sometimes parents are led by poverty to sell their own children to earn money, or they force them to undertake illicit activities to sustain the family. The fact that children are sold or indentured

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*See Council of Europe, European Committee on Crime Problems, Select Committee of Experts on sexual exploitation, pornography, prostitution of, and trafficking in children and young adults, "Preliminary explanatory memorandum concerning draft Recommendation No. R (89) (PC-R-SE (90) 6). Sexual exploitation of children and young adults is defined by the Committee as "the sexual use for economic purposes of a child or a young person, which violates, directly or indirectly, human dignity and sexual freedom and endangers his/her psycho-social development" (para. 2).

by their parents or guardians, or that their families thrive on the illegally acquired earnings of the children involved in such activities as prostitution, pornography, illicit drug trade and theft, does not in any way justify this heinous practice. A concerted effort on the part of the international community is urgently needed to put an end to it, in particular, by fully implementing existing international instruments, such as the Convention on the Rights of the Child (General Assembly resolution 44/25, annex).

45. The widespread use of children as agents in criminal activities and in the illicit drug trade, on the grounds that they are not criminally responsible, is a matter of grave concern. This serious form of child exploitation takes place within the framework of locally and internationally organized crime and particularly penalizes children, as they find themselves entrapped in criminal activities at a very early age. Their opportunities to lead normal lives are blocked and, without prompt intervention, little can be done to rescue them from an inevitable process of criminalization.

46. In many countries, there is no specific legislation for the penalization of adults who exploit children for criminal activities and, even where such legislation exists, it is not always properly enforced. In fact, the "dark figure" associated with this type of exploitation indicates that fighting such practice is not always accorded the priority it deserves, both in terms of criminal policy and enforcement. The Interregional Preparatory Meeting for the Eighth Congress on topic IV, and the regional preparatory meetings, stressed that justice procedures should be updated and provisions be made for criminalizing the corruptors of youth, particularly drug dealers and procurers.

47. These children are victims of situations representing a wide variety of violations of their basic rights as laid down in the Convention on the Rights of the Child. In some countries, where the lower limit of criminal responsibility is set at a very young age, children are doubly victimized in that they are held accountable for their behaviour and are treated according to standards set for adults, thereby being deprived of the special safeguards and protection to which they should be entitled on grounds of their immaturity and vulnerability.

48. Attention should also be directed to the rampant practice of kidnapping and smuggling of children for adoption. This practice not only infringes upon the basic right of the child not to be separated from his or her family, but also is a way of circumventing the legislation regulating international adoption, depriving the child of the strict controls that guarantee the suitability of the adoptive family. Abduction is also used for the recruitment of slaves and young children, especially young females, for sexual exploitation of a transnational character and often involving criminal syndicates.

C. Street children

49. While the media have concentrated on massive natural disasters and spectacular international action, and while Governments have struggled with recession and the balance of payments, the failures of development and overwhelming social pressures have given rise to the phenomenon of street children, which was thought to have disappeared in the nineteenth century: their emergence in countless numbers was not foreseen in many national plans. 18/

50. Street children are forced by circumstances beyond their control to live on the margins of the adult world. The principal causes of child abandonment - and in many cases of child neglect, abuse, and exploitation - are related directly to disadvantaged socio-economic situations. In developing countries, street children are the outcome of unemployment, poverty, rural-to-urban migration and broken families. Wars, revolutions, natural and man-made disasters have further aggravated the situation. In industrial countries, their numbers are often swollen by changing social assistance policies that neglect the disadvantaged segments of population, which cannot keep up with the fast pace of an extremely competitive society. Deprivation, chronic unemployment, impossible housing markets and extraordinarily high divorce rates can also aggravate the situation.

51. If children are left out on the streets and are unable to make the minimum amount of money necessary in order to survive, then they are forced to turn to other means, such as theft, acts of violence and prostitution. Street children become experts in the art of survival and may gradually develop an anti-social stance, fostered by the resentment and distrust of the society that has rejected them. Recourse to narcotic substances, such as crack, cannabis, inhalants or other substances, represents a common way of relieving the burden of reality, while at the same time it takes its toll on the children's physical and mental health.

52. Since there is no universally accepted definition for "street children", no objective basis for an accurate statistical calculation of their numbers exists. The United Nations Children's Fund (UNICEF) makes a distinction between children on the street and children of the street. The first category encompasses working children who still have family connections, while the second is a group formed by children who are totally on their own. The very nature of street children places them outside official classifications and records. UNICEF estimates indicate that there are 50 million such children in Latin America and the Caribbean alone. 19/

53. In many countries, street children find themselves trapped in a hopeless situation. These children are particularly exposed to serious forms of exploitation, such as bonded labour or other forms of slave trade, illicit drug trafficking, prostitution, pornography and organized crime. Poor socio-economic conditions can lead to a situation in which the child is not able to attend school, does not receive proper health care, and must earn a living from a very early age.

54. It should be stressed that street children are not actually delinquents, but only immediate candidates for delinquency if their needs are not met. Their social integration is seriously hindered or even made impossible and, being at social risk, these children are very likely to grow into chronic delinquents. Street children are subject to a process of stigmatization and criminalization and they are brought into the justice system because there are no other options. Very often they are not granted any protection. Official intervention, which usually takes the form of institutionalization or detention, contributes to their further victimization.

55. Street children account for a large number of cases of detention of children with adults. They are often deprived of their liberty without any charges being laid against them, or for minor infractions of the law. Deprivation of liberty has been proved to be the least effective measure to solve the problem of street children, since it exposes them to criminal life-style and values and the dangers of direct contact with adult prisoners, including physical violence and sexual abuse.

III. THE PREVENTION OF JUVENILE DELINQUENCY

56. Just as situational crime prevention is most productive if it targets high-crime areas, so action to prevent juvenile delinquency is likely to be most effective if it accurately targets high-risk situations as a basis for the prevention of social crime. Thus, prevention programmes should be directed towards groups that can be identified as vulnerable to factors likely to be associated with high rates of juvenile delinquency. Bearing in mind the fact that predictions of delinquency at the individual or group level are generally difficult to assess, are unreliable and may be used to justify otherwise unacceptable intrusions into the child's life, including the family and school environment, care should be taken to focus more on the circumstances and situations of vulnerability. Identification of a child as being at social risk should not become a new form of stigmatization or result in a self-fulfilling prophecy. Review of the question of vulnerability should be continuous, because as social arrangements may change, so too may there be a shift in vulnerability patterns. Because of the link between delinquency and other social problems - for example, alcohol abuse, illicit drug consumption, victimization, school failure and unemployment - any measure that succeeds in reducing delinquency will probably also have other benefits. Prevention programmes must be part of a wide range of service-providing systems, so as to be presented as positive activities in themselves and not only as delinquency prevention strategies.

57. A corollary of this concept is that prevention of juvenile delinquency should be closely interlinked to general social policies for youth. The draft Riyadh Guidelines stress the need for a multidisciplinary and intersectoral approach to the prevention of juvenile delinquency. 20/ This policy approach to prevention encompasses various measures for all young persons, with emphasis on those at social risk. In this way, the possibility of adverse social interventions to persons who may never have required intervention to prevent them from becoming delinquent is no longer a problem. In fact, intervention can consist of additional resources and support programmes for a particular group of individuals at risk, instead of adverse measures that impinge on their rights. 21/ Protective intervention, where warranted, should take place in accordance with strict and precise legal criteria, without touching upon the fundamental rights of those involved.

58. It has been noted that juvenile delinquency tends to disappear with time, and that for many adolescents minor acts of delinquent behaviour do not indicate major difficulties in functioning and that such behaviour is gradually curbed as effective mechanisms of self-control are developed. Most of these acts, although a societal nuisance, do not permanently affect the maturation process. Official intervention is not necessary for minor delinquent behaviour, as long as the society accepts it as part of growing up.

59. Nevertheless, juvenile delinquency continues to be viewed as a serious social problem, arousing the concern of Governments, experts and practitioners. The fact that it has been studied for a long time does not automatically imply that its identification is the key to its elimination. Active prevention seems to be the most successful approach to juvenile delinquency.

60. It would be unrealistic to consider the complete elimination of juvenile delinquency as possible or as the ultimate goal of prevention policies. Since a certain level of crime and delinquency has always existed, prevention can

only seek to reduce its incidence to an acceptable level, especially since juvenile delinquency tends to be a temporary phenomenon. Therefore all measures for its prevention should reflect a proper balance between objectives and means.

61. In the public health field, useful distinctions have been made between primary, secondary and tertiary prevention. Primary prevention involves general policies designed to meet basic needs and it targets society at large. Secondary prevention consists of various programmes targeted at high-risk groups. Tertiary prevention involves individualized care and treatment, with a view to preventing a relapse.

62. In the context of juvenile delinquency, an effective prevention policy should focus on the alteration of the circumstances leading to delinquency, reduction in the rate of first and serious offences and prevention of recidivism. Primary and secondary prevention are closely interlinked. The new draft Guidelines for the Prevention of Juvenile Delinquency should be considered as an instrument of primary intervention policy for all young persons, especially those at social risk. They also deal with some of the specific needs of young persons at social risk, which are traditionally considered to be the object of secondary prevention policy. Secondary and tertiary prevention are subject to the intervention of justice systems 22/ and, therefore, are the focus of the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules) (General Assembly resolution 40/33, annex).

63. Instead of dealing with problems of deviance at the primary and secondary levels, when young persons are still functioning socially, there seems, in many countries, to be a paradoxical tendency to abandon the long-term approach and outreach to society as a whole, with special attention to selected sectors in need. Instead, preference tends to be given to intervention at the tertiary level, after young persons have already come into conflict with the law. Thus, primary and secondary prevention are not allocated the resources they require, although they are more effective than short-term approaches and institutionalization.

A. Primary and secondary prevention

64. The occurrence of delinquent behaviour indicates that the social integration process has broken down. Effective preventive measures should contribute to the satisfactory social integration of the child at the earliest possible stage of his or her development. Parents are primarily responsible for the physical and mental well-being of their children, but Governments are responsible for securing the conditions that enable parents to carry out their duties. Health care, especially primary health care, and family support programmes are of the utmost importance for the sound development of the child and of the parent-child relationship.

65. Education, as stressed in paragraphs 20 to 31 of the draft Guidelines, is one of the main agents of socialization and plays a very important role in the next stage of development of the child. Educational shortcomings can contribute to the unbalanced development of the personality, which may increase the risk of the child being trapped in so-called "irregular situations". 23/ Many Governments have made strenuous efforts to reduce illiteracy. But too often, educational and employment planning have not been co-ordinated, and school leavers find no way of fulfilling their heightened expectations. Unemployment and underemployment are well known causes of frustration,

which destroy motivation. Long-term employment planning should be an integral part of policies for the prevention of juvenile delinquency, particularly in developing countries, where it should also be geared to national development needs.

66. Truancy and "dropping out" of school often indicate the inadequacies of educational systems rather than being manifestations of delinquent behaviour or a propensity to crime. As mentioned in paragraph 30 of the draft Guidelines, "drop-outs" deserve special attention, as they are at social risk. Other forms of education, less formal, competitive and factual than regular programmes, should be established for this group, with a view to helping it to overcome its difficulties.

67. Section C of the draft Guidelines (paragraphs 32 to 39) deals with the role of the community in the prevention of juvenile delinquency. In the last few years, there has been renewed emphasis in a number of countries on crime prevention in the community, that is to say, at the local level. This has led to the introduction of a number of experiments in prevention in schools, shopping centres, housing estates, sport and youth clubs, and in public transport systems. Such an approach necessitates close collaboration between the police, judicial authorities and administrative and social agencies.

68. Preventive programmes originating in the community offer a more organic response to local juvenile delinquency problems. In the draft Guidelines, where the important role of youth organizations is stressed, it is stated that such organizations "should encourage youth to organize collective and voluntary projects, particularly projects aimed at helping young persons in need of assistance". 24/ Governments may consider facilitating and encouraging prevention programmes developed by youth, rather than "delivering" them themselves. In fact, delinquency prevention, although part of national youth policy, does not necessarily have to be conceived in detail and implemented by "remote-control" authorities.

69. Section D of the draft Guidelines (paragraphs 40 to 44) indicates the important role that mass media can play in the prevention of juvenile delinquency. The mass media have often been accused of stimulating crime and delinquency by sensationalizing instances of violent and destructive behaviour, as well as popularizing culturally inappropriate role models and indifference to ethical issues. Efforts should be made to enhance the educative, rather than the entertainment role of the mass media. Positive role models proposed by the media could reach large strata of the population, bearing in mind the fact that, for example, television is a poor but very common substitute for parental involvement with children. 25/ The beneficial potential of the mass media should be recognized and made use of, with a view to promoting egalitarian principles and roles (Guideline 43). The media should be encouraged to develop codes of responsibility regarding the programmes being shown.

70. The fact that juvenile delinquency is caused by a complex and frequently interrelated set of factors has consequences for the nature and content of preventive programmes. Well-co-ordinated, multi-faceted policies are needed, touching upon all the elements of the socialization process, in accordance with paragraph 10 of the draft Guidelines: family, community, peer groups, schools, vocational training, work and voluntary organizations.

B. Tertiary prevention

71. Tertiary prevention may be a critical juncture in the development of a young person. The chances of social integration of the individual are at stake. The first important step toward effective tertiary prevention, or prevention of recidivism is, in line with paragraph 5 of the draft Guidelines, to avoid criminalizing and penalizing a young person for behaviour that does not cause serious damage to his or her development or harm to others. In this connection, it is stated in paragraph 55 of the draft Guidelines that legislation should be enacted to ensure that any conduct not considered an offence or penalized if committed by an adult is not deemed an offence and penalized if committed by a young person.* Traditionally, the juvenile justice system has had jurisdiction over non-criminal misbehaviour by young people, such as truancy, sexual behaviour, running away from home. Such behaviour should not be dealt with by the juvenile justice system, whose jurisdiction should be limited to offences that are punishable when committed by an adult. Very often the commission of a "status offence", for example, running away from home, is a means of escaping from a difficult or abusive situation in the family. Young persons referred to the juvenile justice system for having committed a status offence are, thus, often punished for their parents' misdeeds.

72. A significant proportion of juveniles who commit minor offences may not need any intervention, especially where the family, school or other informal social control institution has already reacted, or is likely to react, in an appropriate and constructive manner.** Such cases should be excluded, as much as possible, from the official proceedings of the justice system. An overreaction to minor cases by the judicial authority can be very detrimental to the individuals concerned, often contributing to the development of a consistent pattern of undesirable behaviour by stigmatizing the young persons, labelling them as delinquents and facilitating their contact with delinquent sub-cultures and values.

73. For juveniles who commit offences of a more serious type, relapse into crime and clearly have difficulty in functioning socially, intervention by the juvenile justice system seems to be the only answer. No matter how serious the offence committed, juveniles should be entitled to all special guarantees and safeguards, in view of their age. In some countries, however, these serious cases are dealt with by adult courts, as an exception to the juvenile court jurisdiction, on the basis of the seriousness of the offence.

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*These are the so-called "status offences", also referred to in the commentary to rule 3.1 of the United Nations Standard Minimum Rules for the Administration of Juvenile Justice. See Horst Schüler-Springorum, "General report of the International Association of Penal Law on Youth, Crime and Justice", paper presented to the Sixth Joint Colloquium [of the International Association of Penal Law, the International Penal and Penitentiary Foundation and the International Society of Criminology and the International Society of Social Defence], held at Bellagio, Italy, in April 1984.

**See the reply of the Government of France on the implementation of the United Nations Standard Minimum Rules for the Administration of Juvenile Justice, 1990. According to its estimate, over 60 per cent of the cases taken to court involve juveniles who have committed non-serious offences or delinquent acts not requiring official action by the juvenile justice system.

74. Tertiary prevention poses the problem of choosing the juvenile justice response that best suits the case; the careful classification of the juvenile offenders thus becomes a priority. The United Nations Standard Minimum Rules for the Administration of Juvenile Justice propose a wide array of possible measures to respond to delinquent behaviour of different degrees of seriousness.

75. If, for a large number of juvenile offenders care, guidance, supervision and educational measures are sufficient to ensure a positive outcome, serious offenders require prompt identification and careful treatment in order to prevent their further involvement in crime.

IV. DRAFT UNITED NATIONS RULES FOR THE PROTECTION OF JUVENILES DEPRIVED OF THEIR LIBERTY

76. Although the results of research conducted world-wide on the effectiveness of the various measures for juvenile offenders are not uniform, there is agreement that deprivation of liberty should be a measure of last resort, limited to the most serious cases and minimum length of time. Despite these findings, the number of young persons deprived of their liberty world-wide is still staggering. Although the exact extent is not known, the problem of lack of information on young persons deprived of their liberty will be overcome solely by continued information-gathering and international action. The research so far undertaken has revealed identical or similar patterns, which can be identified as common features: the insufficiency of the resources allocated to facilities and treatment for young persons deprived of their liberty is a major obstacle to their adequate treatment in custody; the majority of young inmates come from socially disadvantaged strata; many penal systems are not achieving the object of rehabilitating delinquents, particularly of the youngest ones; and chronic overcrowding of juvenile facilities is a common problem. 26/

77. Despite the efforts by those responsible for, or working in, juvenile facilities to help juveniles to develop more constructive attitudes, evaluative research has shown that such institutions can be ineffective, extremely costly and even harmful. Also, in many parts of the world, custodial measures are a common response to juvenile delinquency and are often used without taking into consideration their counter-productive effect on young persons. Furthermore, the policy of indiscriminately using the deprivation of liberty, without differentiating the categories of juvenile offenders to which it should be applied, may prevent the development of a system of alternative measures.

78. The international community has devoted increasing attention to the rights of young persons deprived of their liberty. As already noted (see paragraph 3 above), the Seventh Congress treated this issue as an area requiring urgent action. The matter has also been on the agenda of the Sub-Commission on the Prevention of Discrimination and Protection of Minorities of the Commission on Human Rights since 1985.

79. A number of international standards, such as the International Covenant on Civil and Political Rights (General Assembly resolution 2200 A (XXI), annex), the Standard Minimum Rules for the Treatment of Prisoners,* the

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*For the complete text, see Human Rights: A Compilation of International Instruments (United Nations publication, Sales No. E.88.XIV.1), sect. G.

Convention on the Rights of the Child (General Assembly resolution 1386 (IV), annex) and the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (General Assembly resolution 40/33, annex), stress that young persons should not be held in facilities with adult offenders.

80. In pursuance of resolution 21 of the Seventh Congress 27/ and Economic and Social Council resolution 1986/10, section II, the development of new rules for the protection of juveniles deprived of their liberty was initiated. In 1986, Defence for Children - International at Geneva, a prominent non-governmental organization active in this field, was invited by the Secretariat to assist in this work. In co-operation with the Secretariat, an open-ended working party of non-governmental organizations was established, which included Amnesty International, Defence for Children - International, the Friends' World Committee for Consultation, Human Rights Internet, the International Catholic Child Bureau, the International Commission of Jurists and Rädda Barnen International. A series of meetings were held by these organizations in 1986 and 1987, resulting in the formulation of a set of draft rules.

81. In January 1988, the expert advisory services of Professor G. Kaiser, Director of the Max Planck Institute for Foreign and International Criminal Law at Freiburg, were engaged to review the text, which was then submitted to the Interregional Preparatory Meeting for the Eighth Congress on topic IV and to the five regional preparatory meetings. The text of the draft United Nations Rules for the Protection of Juveniles Deprived of their Liberty, as amended and approved by the Committee on Crime Prevention and Control at its eleventh session, is contained in the report of the Committee. 28/

82. The draft Rules deal with the overuse of the detention of young persons and the serious problems they encounter in such situations. The draft Rules specify the conditions required to ensure the fair treatment of young persons deprived of their liberty and to safeguard their individual rights and well-being, consistent with human rights and fundamental freedoms, and with a view to counteracting the detrimental effects of all types of detention and fostering integration into society (rule 3).

83. In principle, the draft Rules should apply to any situation entailing the deprivation of liberty of a young person, such as official custody for observation or treatment, detention under charge or without charge, detention while awaiting or pending trial, or detention when already sentenced and in facilities such as prisons, reformatories, training schools, youth centres, police lock-ups, gaols, or the like. For the purpose of their application, deprivation of liberty is described in rule 10 (b) as "any form of detention or imprisonment or the placement of a person in another public or private custodial setting from which this person is not permitted to leave at will by order of any judicial, administrative or other public authority". 28/

84. The draft Rules cover all aspects of the management of juvenile facilities in a very detailed way, including record-keeping, admission, registration, movement and transfer; classification and placement; physical environment and accommodation; education, vocational training and work; recreation; religion; medical care; notification of illness, injury and death; contacts with the wider community; limitations of physical restraint and the use of force; disciplinary procedures; inspection and complaints; return to the community; and personnel.

85. The Latin American and Caribbean Regional Preparatory Meeting for the Eighth Congress recognized that the draft Rules were of crucial importance in preventing a very serious situation from developing in several countries where adult prisons, with all their negative features, dehumanized and damaged juvenile inmates. In fact, it was reported in several countries that the practice of arbitrarily arresting groups of young persons (redadas or batidas) was common and a major source of concern. The proposed Rules, together with the United Nations Standard Minimum Rules for the Administration of Juvenile Justice, are considered a useful instrument in curbing the criminalization process, which often starts with the deprivation of liberty.

86. The shortcomings and adverse conditions associated with the deprivation of liberty can produce effects particularly detrimental to young persons, which contribute to their victimization. These effects may include physical and sexual abuse, emotional neglect, severe malnutrition, untreated physical and mental illness, trauma, suicide, cruel and inhumane treatment or punishment, and even torture.

87. In several countries, alongside the broad discretionary authority granted to judges in the framework of juvenile justice, those responsible for applying the measures imposed by judges are also commonly given the widest possible powers over the lives of those deprived of their liberty. This can be a source of violation of the human rights of institutionalized juveniles, their parents and relatives by the same juvenile justice system. The new Rules should facilitate a more appropriate response to this serious problem, since they are designed to serve as a convenient standard to be used by professionals involved in the management of juvenile facilities.

88. Pre-trial detention presents an even more serious risk. It can be a shock for a young person to be exposed to criminal contamination, and can lead to suicide and self-inflicted injuries, as well as to the appearance of psychological problems. As far as possible, therefore, efforts should be made to limit detention to exceptional circumstances (rule 16).

89. Juveniles who have not been tried should be presumed innocent and treated as such, in accordance with section III of the draft Rules. It is of the utmost importance that this category of young persons be separated not only from adult offenders but also from convicted juveniles, with a view to curbing the negative effects of contacts with more experienced offenders, and protecting juveniles awaiting trial from any form of abuse.

90. Surveys of the situation in many countries show that children and juveniles are imprisoned with adults as suspects of alleged crimes, as illegal immigrants, as truants, as beggars, as "uncontrollable" elements, as witnesses to adult crimes and as hostages in states of siege. The consequences of this can be extremely serious and can undermine any attempt to promote the social integration of juvenile offenders. This situation usually arises from a lack of resources, preventing the provision of separate facilities for juveniles. But the social cost of such forced contacts between juvenile and adult offenders is very high in terms of the harm caused by criminal contamination. Deprivation of liberty under such adverse circumstances may turn a detention facility into a real "school of crime".

91. As suggested in rules 26 and 27, a complete evaluation of the psychological and social needs of every juvenile should be made as soon as possible after admission to a facility, so as to identify the most appropriate type and level of care and programme; and classification should be based on a number of

factors, such as age, personality, sex and type of offence. The rationale should always be their protection from harmful influences and risk situations.

92. It is opportune to stress the importance of classification, in view of the fact that, although the legislation of many countries includes the obligation to keep young persons separate from adults in institutions involving deprivation of liberty, in practice, this provision is not always observed. 29/ Furthermore, classification is often inadequate, particularly with regard to the age and legal situation of the juvenile offender. In fact, children and juveniles share the same facilities; juveniles awaiting trial are not kept separate from convicted offenders; and cases involving public assistance, child abandonment and even victims of abuse are not dealt with in appropriate and separate facilities.

93. Rule 29 advocates the establishment of open institutions, with minimal security measures or none at all. Experiments conducted in many Western European countries indicate that a more open penitentiary system, with adequate human and technical resources, does not produce adverse effects. Escape from open institutions - even among recidivists or other difficult offenders - has proved to be rare and very few violations have been reported. A substantial increase in the proportion of open institutions could be achieved without putting public safety at greater risk, as indicated by the international comparison of the respective measures and recidivism rates in some countries. Open detention facilities, however, require particularly well-trained personnel, able to provide the support and assistance the young persons need to rejoin society and to function after being released. 30/

94. Institutionalization without post-release support mechanisms invites high failure rates. The draft Rules contain provisions on the arrangements and services necessary to assist juveniles in re-establishing themselves in society and lessening prejudice against them. The role of the community is essential in this respect. In order for the community to contribute effectively to this process, its involvement in the care of juvenile offenders should start while they are still inside the institution. Rule 8 underlines the need to involve the public in the preparation of juvenile offenders for their return to society. This is of great importance, and active steps should be taken to foster contacts between the juveniles and the local community.

95. The principle of decentralization is critical in promoting this aim and reducing the stigmatization and marginalizing effects of deprivation of liberty on juvenile offenders. Following this principle, rule 29 leads to the conclusion that juvenile facilities should be located close to a community to allow the juveniles to take advantage of the available educational and cultural facilities and if possible, to have access to job opportunities.

96. Rule 37 stresses the right to education of every juvenile of compulsory school age, adding that it should be provided outside the detention facility, in community schools wherever possible. In rule 44, reference is made to the opportunity to perform remunerated labour, if possible within the local community. Rule 48 suggests that medical care should, where possible, be provided to detained juveniles through the appropriate health facilities and services available in the community, in order to prevent stigmatization and promote self-respect and integration into the community.

97. Many provisions of the draft Rules are intended to ensure greater respect for the dignity of young persons deprived of their liberty. For example,

rule 25, on transport, stresses the need for the observance of conditions that should in no way subject the juvenile to hardship or indignity. Rule 34 states that the possession of personal effects is a basic element of the right to privacy and is essential to the juvenile's psychological well-being, and rule 35 recognizes that, as far as possible, juveniles should have the right to use their own clothing.

98. These and other provisions draw attention to one of the most important elements in the process of rehabilitation, namely, the right of the juvenile to understand the rules, aims and process of treatment, while at the same time maintaining a sense of dignity. As rule 65 points out with reference to disciplinary measures, the fundamental objective of institutional care should be to instil in juveniles a sense of justice, self-respect and respect for the basic rights of others.

V. JUVENILE DELINQUENCY AND THE PROTECTION OF THE YOUNG IN THE CONTEXT OF THE CONVENTION ON THE RIGHTS OF THE CHILD

99. The Convention on the Rights of the Child was adopted by the General Assembly in its resolution 44/25 and signed by representatives of 59 Governments at the signing ceremony on 26 January 1990. The Convention mandates the international community to ensure the rights of children in their totality and urges Governments to evaluate their welfare and legal systems in relation to its fundamental principles. As the Secretary-General pointed out in his statement on the adoption of the Convention, this instrument "attempts to provide a framework within which the child, in the light of his or her evolving capacities, can make the difficult transition from infancy to adulthood. It also acknowledges that children are particularly vulnerable to certain kinds of exploitation. In a series of important articles it seeks to protect the child from attacks so prejudicial to his or her welfare as child labour, drug abuse, sexual exploitation and sale, trafficking and abduction." (A/44/PV.61, pp. 9-10.)

100. The Convention on the Rights of the Child contains 54 articles covering all aspects of child development. Although many of these rights bear some relevance to the administration of juvenile justice, articles 37 on torture and deprivation of liberty, and 40 on the administration of juvenile justice, expressly deal with the protection of children in conflict with the law. They contain a summary of what is covered by, respectively, the draft United Nations Rules for the Protection of Juveniles Deprived of their Liberty, 28/ and the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (General Assembly resolution 40/33, annex). Not only do the latter two documents represent an important reference tool for Member States wishing to adapt their legal systems to the distilled wisdom and experience of the world community but they also reinforce the guarantees provided for by the Convention. They can therefore be considered as an extremely valuable complement to the Convention, able to facilitate its practical application in a related field.

101. The effective implementation of the Convention would be the best contribution to the prevention of juvenile delinquency, both primary and secondary. The Convention encompasses a large number of children's rights, 31/ which are also advocated in the draft United Nations Guidelines for the Prevention of Juvenile Delinquency. 24/ In particular, reference should be made to: article 9, on the child's right to live with his or her parents unless it is deemed incompatible with his or her best interests; article 12, referring the

child's right to express an opinion on any matter or procedure affecting him or her; article 18, dealing with parental responsibilities and State assistance to parents in the performance of their child-rearing responsibilities; article 19, on measures to protect the child from abuse and neglect; article 24, on the child's right to the enjoyment of the highest attainable standard of health and to access to the health services; article 27, on the child's right to an adequate standard of living; articles 28 and 29, on the child's right to education and on the role of education in the development of the child's personality; article 32, dealing with child labour and the protection of the child from economic exploitation; article 33, on protection from the abuse of drugs and from being involved in the production and distribution of such substances; article 34, on protection from sexual exploitation and abuse; article 35, on prevention of the abduction or sale of, or traffic in, children; article 36, on the protection of the child from all other forms of exploitation; and article 40, dealing with the rights of children in conflict with the law.

102. According to article 1 of the Convention, "a child means every human being below the age of 18 years unless, under the law applicable to the child, majority is attained earlier". In this respect, the Convention goes one step further than the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (General Assembly resolution 40/33, annex), which do not suggest any lower limit for the age of criminal responsibility, although the commentary to rule 4 refers to the need for a reasonable lowest age limit that is applicable internationally.

103. If, according to the provisions of the Convention, a child should normally be entitled to a series of specific rights up to the age of 18 years, due consideration should also be given to his or her emotional, mental and intellectual maturity before holding him or her responsible for anti-social behaviour. In general there is a close relationship and reciprocity between the notion of criminal responsibility and other social rights and responsibilities.

104. There seem to be a tendency in international law to recognize 18 as the age of majority for penal purposes. For example, in article 6, paragraph 5, of the International Covenant on Civil and Political Rights (General Assembly resolution 2200 A (XXI), annex), it is stated that sentence of death "shall not be imposed for crimes committed by persons below eighteen years of age". Therefore the Convention can play a very important role in fostering a more progressive attitude towards the age at which a child is deemed to be able to live up to the moral and psychological elements of criminal responsibility. This idea has been reflected in the draft United Nations Rules for the Protection of Juveniles Deprived of their Liberty, 28/ where a juvenile is defined to be a person under the age of 18 (rule 10, paragraph (a)).

105. Another article of the Convention deserving of attention is article 3, concerning the need to consider the best interests of the child. This concept has been defined as providing the best conditions and opportunities for the child's development. 32/ It is held that the best interests of the child should be a primary consideration in all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies. This can be considered as the guiding principle underlying the three instruments on juvenile justice. Since young persons are very vulnerable group, priority should be given to their needs in every action taken, both on their behalf and in sanctioning them.

106. In many parts of the world, the problem is not so much the absence of legal provisions for the protection of children and young persons 33/ but, rather, the enforcement and monitoring of the existing provisions and their updating in line with the current social, cultural and economic conditions. In view of its binding effect, the Convention, once ratified, can also be used as an instrument to assess the laws regulating different aspects of child development within every national legal system, with a view to improving the uniformity of definitions and standards for children. The technical content and pragmatic approach of the United Nations Standard Minimum Rules for the Administration of Juvenile Justice permit them, together with the proposed instruments before the Congress, to play a relevant role in this endeavour in the context of their practical application. Indeed, they represent a solid basis for any project aimed not only at their implementation but also at the effective application of the Convention in the juvenile justice field.

VI. INTERNATIONAL CO-OPERATION

107. In order to achieve greater success in reducing juvenile crime, the innovative programmes for the prevention of juvenile delinquency and the administration of juvenile justice should be initiated, promoted and developed at all levels, in accordance with the United Nations instruments. The underlying principle of the programmes should be that juvenile justice and social justice for children are vital human rights issues and basic requisites for more viable productive societies. For this reason, it is most important that intersectoral programmes for the prevention of juvenile delinquency and for juvenile justice be part of national economic and social development planning. Governments should give higher priority to such programmes and should be helped to identify and assess their specific needs. It would thus be appropriate to explore ways and means of further enhancing the co-operation among specialized agencies and other bodies of the United Nations concerned with child-related programmes. The Eighth Congress may wish to consider how this can best be done, including the incorporation of juvenile justice and juvenile delinquency prevention projects in the country programmes of the United Nations Development Programme (UNDP) and the United Nations Children's Fund (UNICEF). The United Nations, in co-operation with the interregional and regional institutes on the prevention of crime and the treatment of offenders, could assist in these endeavours. The protection of the basic rights of young persons, in particular street children, in conformity with the United Nations Standard Minimum Rules for the Administration of Juvenile Justice, the two new draft instruments and the Convention on the Rights of the Child, is a common concern requiring joint efforts.

108. The network of regional and interregional institutes for the prevention of crime and the treatment of offenders has proved very effective in promoting international co-operation in the field of delinquency prevention and juvenile justice. As emphasized by all the regional preparatory meetings for the Eighth Congress, technical co-operation, through advisory services, demonstration projects, workshops, training initiatives and the evaluation of programmes, research, scientific collaboration and formulation of policy options, should be vigorously promoted and strongly supported. Efforts should be concentrated particularly on overcoming national and individual programme constraints. Information exchange at the international level should also be strengthened. 34/

109. In close co-operation with non-governmental organizations concerned, such as Defence for Children - International and Rädda Barnen/Swedish Save the

Children, various projects on juvenile justice have been carried out by the United Nations all over the world. The activities of the United Nations in the field of juvenile justice and the prevention of juvenile delinquency should also be considered within the framework of the Task Force for Child Survival, established by UNDP, UNICEF, the World Health Organization (WHO), the World Bank and the Rockefeller Foundation.

110. The United Nations recommendations on juvenile justice are also relevant in the context of the forthcoming World Summit for Children, scheduled to take place at United Nations Headquarters in New York on 29 and 30 September 1990. Its purpose is to draw attention and promote commitment, at the highest political level, to the goals and strategies for ensuring the survival, protection and development of children, as key elements in the socio-economic development of all countries and of human society. The aim is to stimulate new initiatives in every part of the world and, among the international community, to tackle those issues that will most critically affect children in the decades ahead.* If priority is to be given to the basic needs of children, emphasis should also be placed on the child's continuing development: ensuring that the child obtains a dignified and satisfying place in society and that he or she has the motivation for leading a law-abiding life and the possibility of doing so. The set of international instruments on juvenile justice constitute a useful framework of reference for technical assistance projects and a yardstick against which Governments can take appropriate action. They can contribute significantly to the development of measures that can make the difference between a child's mere survival and his or her meaningful existence. 35/

111. While political will is critical in order to bring about the changes and reforms necessary to improve the situation of children, including their treatment by the justice system, technical know-how can help to put them into effect. Some Member States may require substantial external financial and technical assistance, particularly in the early stages of programme development. Assistance by interested donor-countries as bilateral aid or contribution to multilateral projects becomes invaluable to this end. For problems concerning children and transcending national boundaries, technical co-operation is an even more urgent necessity.

112. The United Nations programme on crime prevention and criminal justice has an important role to play in assisting Member States in the improved planning, implementation and evaluation of juvenile justice policies. Through its interregional advisory services, it can promote law reform, provide technical and practical expertise in this field, and stimulate technical co-operation projects.**

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*The United Nations Latin American Institute for the Prevention of Crime and the Treatment of Offenders reported that several Latin American countries have requested technical assistance, in order to change the existing situation and to improve the juvenile justice response to various social problems concerning the young.

**A number of technical co-operation projects have been, or are being, carried out by the United Nations in the field of juvenile justice. Among them, the recent projects "Pibes Unidos", in Argentina, and "Gurises Unidos", in Uruguay, for children on and of the street, have involved UNDP and the United Nations Interregional Crime and Justice Research Institute, and have been funded by the Directorate-General for Development Co-operation of the Italian Ministry of Foreign Affairs. Project proposals concerning street children in Chad, Ethiopia, Haiti and the Sudan are also under consideration.

VII. SUMMARY AND CONCLUSIONS

113. The present paper gives an analysis of the world-wide situation and circumstances of juvenile delinquency, its prevention and the protection of the young. Two new instruments, the draft United Nations Guidelines for the Prevention of Juvenile Delinquency (The Riyadh Guidelines) and the draft United Nations Rules for the Protection of Juveniles Deprived of their Liberty, together with their policy implications have been described. The Eighth Congress may wish to consider them with a view to their adoption.

114. A number of problems related to juvenile justice and the protection of the young require further action by the international community. To this end, the attention of the Eighth Congress is drawn, in particular, to some of the areas discussed in the paper.

115. In view of the detrimental effects of child sexual exploitation and the enormous dimension of the problem, the Eighth Congress may wish to recommend that further attention be given to it, with a view to identifying effective responses by the criminal justice system.

116. In many parts of the world, youth crime, especially violent crime, represents a matter of grave concern. Youth gang activities, violent acts at sporting events, serious drug-related offences and phenomena such as the so-called "wilding" are giving rise to increasing anxiety in many societies. As reported by the Interregional Preparatory Meeting on topic IV (A/CONF.144/IPM.3), there seems to be a general trend for young people to commit offences at an earlier age and often to commit serious offences that are largely considered to be adult crimes. Those who commit serious offences frequently have histories of abuse and institutionalization, and represent a group for whom rehabilitation will be extremely difficult. The Eighth Congress may wish to recommend that further research be carried out and measures designed to meet the more demanding needs of this group of young persons particularly liable to choose crime as a professional career. This research might be based upon the experience with the implementation of the United Nations Standard Minimum Rules for the Administration of Juvenile Justice and the most recent findings on the subject, particularly assessments of differential rates of success of the various dispositions.

117. The Eighth Congress may also wish to consider ways and means of promoting international co-operation, in accordance with the specific situations and socio-economic requirements of each country, so as to develop effective policies and structures for the protection of young persons at social risk and the administration of juvenile justice.

118. Other areas, such as child abuse and neglect, exploitation of children for criminal activities and the various forms of sale of and traffic in children, require further studies and research. The Eighth Congress may wish to recommend that steps also be taken in this respect. Setting the objectives of juvenile justice for the rest of the century and beyond is a matter of priority, as youth is the world's most precious asset: it must be developed and preserved not only for better societies today, but also as a key to the future.

Notes

1/ Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Milan, 26 August-6 September 1985: Report prepared by the Secretariat (United Nations publication, Sales No. E.86.IV.1), chap. I, sect. E.

2/ See Street Children, A Growing Urban Tragedy: A Report for the Independent Commission on International Humanitarian Issues, presented by S. Agnelli (London, Weidenfeld and Nicolson, 1986).

3/ Report prepared for the United Nations Secretariat, by Florence Muli-Musiime (Nairobi, African Medical and Research Foundation), 1990.

4/ Report of the Expert Group Meeting on Adolescence and Crime Prevention in the ESCAP Region, 3-10 August 1989, Tokyo (United Nations publication, ST/ESCAP/769).

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16/ A. M. Nechaeva, "Pravovaya okhrana semi v SSSR" (Legal protection of the family in the USSR) (Moscow, 1987); P. Kubadinska, "Dolg semeyny i obshchestvenny" (Family and social duty) (Moscow, 1988); A. I. Pergament and E. A. Pavlodski, "Dinamika sudebnykh sporov, vytekayushchikh iz brachno-semeinykh otnoshenii" (Dynamics of judicial disputes flowing from marriage and family relations), Pravovedenie, No. 1, 1988; A. Likhanov, "My i nashi deti" (We and our children), Pravda, 14 October 1988; and A. Katolikov, "Dve tysyachi pisem, dve tysyachi sudeb" (Two thousand letters, two thousand fates), Semya, No. 16, 1988.

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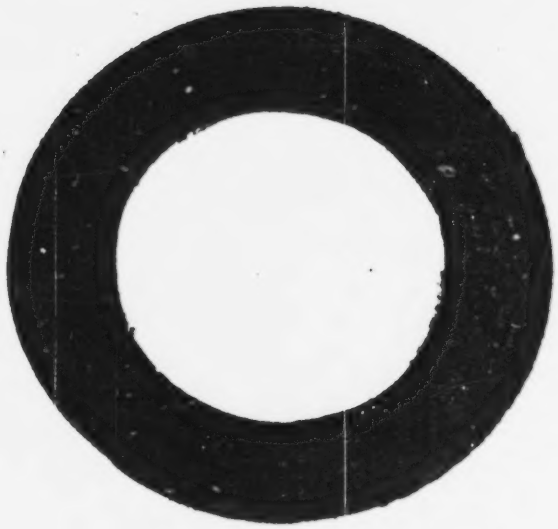

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Domestic violence

Report of the Secretary-General

Summary

This report has been prepared in pursuance of General Assembly resolution 40/36 of 29 November 1985 and Economic and Social Council resolution 1989/67 of 24 May 1989 requesting the Secretary-General to undertake research, especially comparative studies, on domestic violence as a basis for policy formulation, and to report on the subject to the Eighth Congress. In accordance with these resolutions, attention has been given to the criminal justice measures and other interventions designed to mitigate and help to prevent the problem. Policy options have been identified on the basis of recent research findings and the recommendations of the Expert Group Meeting on Violence in the Family, with Special Emphasis on its Effects on Women, held in Vienna from 8 to 12 December 1986, and convened in response to Economic and Social Council resolution 1986/10, section IV of 21 May 1986.

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INTRODUCTION

1. Though age-old, domestic violence has only recently received major policy attention. At the outset, public concern focused mainly on child abuse, and then on wife battering, with calls for their penalization. Abuse of the elderly and the disabled has only lately come to general notice. Little attention has yet been given to other forms of domestic violence: between siblings, against teenage youth and by them against their parents, or to violence between homosexual partners or in polygamous or polyandrous households.

2. The increased concern about domestic violence reflects the growing emphasis on human rights and individual well-being, gradual blurring of the boundary between the public and private spheres of life and success of consciousness-raising efforts of professionals and activists urging a more appropriate response. Domestic violence has remained largely outside the purview of the criminal justice system because of emphasis on the preservation of the family, mutual dependence of victims and perpetrators, and reluctance to invoke formal adversarial proceedings in family conflicts.

3. The extent and trends of domestic violence of diverse kinds have been assessed empirically in few countries. The lack of comprehensive, comparative information and the tendency to deal only with certain categories of victims or aspects have limited understanding of the problem and hampered a coherent response. Enough is known, however, to take meaningful action or to consolidate initiatives already underway.

4. The present report provides a brief overview of domestic violence and possible counter-strategies, including criminal justice measures. The subject is considered in its broader context and in an interdisciplinary perspective, drawing on criminological research and other relevant findings. Though specific requirements may vary, there are certain main issues that cut across the various types of domestic violence: these have been considered in a common framework to facilitate overall policy development and integrated action.

5. International concern about domestic violence is evident in the deliberations and decisions of the United Nations congresses on the prevention of crime and the treatment of offenders, the United Nations world conferences on women, the World Assembly on Aging, as well as the World Programme of Action Concerning Disabled Persons and the Convention on the Rights of the Child. These have drawn attention to the plight of women, children, the elderly and disabled as victims of abuse. The problem of domestic violence was discussed at the World Conference of the United Nations Decade for Women: Equality, Development and Peace, held at Copenhagen in 1980, and the World Conference to Review and Appraise the Achievements of the United Nations Decade for Women: Equality, Development and Peace, held at Nairobi, in 1985, and in the Forward-looking Strategies for the Advancement of Women. 1/ The Sixth United Nations Congress on the Prevention of Crime and the Treatment of Offenders discussed and adopted a resolution on this question, 2/ endorsed by the General Assembly in its resolution 40/36, which requested the Secretary-General to intensify research on domestic violence from a criminological perspective as a basis for policy formulation, and to report to the Eighth Congress, which was invited to give it special attention.

6. Economic and Social Council resolution 1986/10, section IV, called for convening a round-table meeting on domestic violence to promote research and formulate action-oriented strategies in co-operation with concerned entities. An Expert Group Meeting on Violence in the Family, with Special Emphasis on its Effects on Women, was held in Vienna from 8 to 12 December 1986.

7. Council resolution 1988/27 of 26 May 1988 requested that the recommendations of the Expert Group should be brought to the attention of the Committee on Crime Prevention and Control at its tenth session, and that adequate documentation on this issue should be prepared for the Eighth Congress. In its resolution 1989/67, adopted on the Committee's recommendation, the Council requested the Secretary-General to undertake further comparative research, studies and reports on developments relating to domestic violence against spouses, children and the elderly, from the perspective of criminal justice, criminal law and procedure, taking into account the recommendations of the Expert Group, especially the role of crisis intervention and protection, and of social and other service delivery systems. The Council called for the preparation of a report on this subject, to be considered by the Congress under agenda item 6.

8. At its eleventh session, in February 1990, the Committee on Crime Prevention and Control adopted a draft resolution on the prevention of urban crime (E/1990/31, chapter I, section C, decision 11/102), for action by the Eighth Congress, recommending, inter alia, that Member States take steps to reduce family violence by instituting integrated strategies, including educational programmes and assistance, the criminalization of acts of violence and combating the portrayal of such violence in the media.

9. Council resolution 1990/19, on the first review and appraisal of the Nairobi Forward-looking Strategies, called for urgent and effective steps to eliminate the pervasive violence against women in the family and society.

I. THE PROBLEM

A. The nature and extent of domestic violence

10. Research, analysis and informed policy-making on domestic violence have been handicapped by different uses of the term. It is sometimes employed interchangeably with "family violence" and "spouse abuse", but usually includes legal and common-law spouses, cohabiting partners or ex-partners, step-children, parents, siblings and other members of households and extended families. Most definitions of domestic violence refer to "forms of physical violence committed, attempted, or threatened by family members on one another ... that police typically classify as menacing behaviour, recklessness or endangerment, simple assault or aggravated assault, in which offenders and victims are related by blood, marriage or prior intimacy". 3/ Some definitions include intent or perceived intent to do harm. Severe neglect (e.g. of children, the aged and disabled) and sexual abuse (especially of children) are part of the concept. Those victimized are often particularly vulnerable because of their sex (women), age (children and the elderly), disability (premature and underweight infants, the retarded or otherwise handicapped), or their material and/or emotional dependence on the perpetrators. Since chronic psychological abuse can be even more devastating than other kinds, and mental cruelty is a recognized ground for divorce in certain jurisdictions, it deserves to be included in the concept of domestic violence. Thus, the 1986 Expert Group Meeting noted that violence in the family manifests itself in physical mistreatment, often repetitive, which is interrelated with the exercise of mental torture, neglect of basic needs and sexual molestation.

11. In spite of the lack of data on the extent of domestic violence in its various forms and differences between societies, enough is known to arouse widespread concern: in some countries the problem, according to professional

assessments, has assumed "national crisis" proportions. 4/ A survey conducted in the United States estimated that up to 6.9 million children a year were gravely assaulted (1.5 million physically abused) by their parents, and that from 1.9 to 2.1 million women were the victims of severe violence at the hands of their partners. 5/ Elder abuse estimates range from one half to two and a half million persons 6/ (mostly women over 75); with a growing proportion of the aged in the population, it is expected to increase. Eighty per cent of children (3 to 17) assault their siblings, more than half severely, and some 10 per cent, their parents, sometimes fatally. 7/ The overwhelming majority of child victims are killed by their parents or other relatives, infants below one year of age being at greatest risk. 8/ In both developed and developing countries half or more of all murders were found to occur in the family, the victims being mostly female. A consistent pattern of domestic violence has been found across countries. 9/ Though in a few studies that do not consider ex-partners, women seem to have assault rates comparable to men, 10/ because of the latter's physical strength, the harm inflicted is usually much greater. Some violent acts may also be retaliatory or committed in self-defence.

12. Since instances of domestic violence are usually not included as a distinct category in official statistics,* and constitute a large proportion of the "dark figure" of crime, the actual extent of the different forms of domestic violence is difficult to determine. Traditional practices, such as female infanticide, may be camouflaged in underreported birth rates; dowry deaths have often been listed as suicides, and burnings of women, as accidental. 11/ Preliminary results of limited surveys in Bangladesh, Chile, Colombia, India, Kuwait, Nigeria and Zimbabwe reveal high levels of violence against wives. 9/ Tentative estimates elsewhere have been based largely on secondary sources, such as the figures provided by shelters for battered women and reports of other services for different kinds of victims, which deal only with a fraction of the cases. More recently, victimization surveys and self-reports by perpetrators have been drawn upon to get additional information, and extrapolations made from representative samples to gauge the prevalence of different forms of domestic violence.

13. Statistical evidence lags far behind the likely extent of the problem, judging from various indices and studies. 12/ Apart from methodological difficulties, arising from problems of definition and recognition of phenomena not socially viewed or legally treated in the same way in various countries, victims may be reluctant to expose a "private family matter", and to be questioned by the police and in court. They may be ambivalent about formally pursuing the case in the face of possible revenge and re-injury, or about penal sanctions for the victimizer with whom emotional and other bonds may still exist. Feelings of guilt, shame, loyalty, fear and hope are likely to militate against a decision to take formal action that can fragment the family, jeopardize subsistence means, disturb the children and have other negative effects.

14. Not only is reporting thus constrained, but also the victim's perception of the act: it has been found, for example, that violent family incidents are much less likely to be revealed, even in research surveys, if they are defined as "crimes". 13/ Underreporting of victimization is pervasive. Maltreatment may not be admitted by a questioned child because of bonding with the parent(s) that persists in spite of the abuse. Teenagers may not report being

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*This is changing: for example the United States Uniform Crime Reports now include a "domestic violence" category.

ill-treated, fearing the reactions of peers and the likelihood of not being believed by authorities suspicious of "rebellious youth". Violence by siblings is dismissed since the attitude is that kids will fight. The elderly are probably in the most difficult situation, since abuse, neglect, financial or other exploitation may stem from their caretakers - grown children, spouses or home helpers - on whom they often wholly depend. Those who are intellectually diminished or otherwise enfeebled may not even realize that they are being mistreated. This may not actually be the intent of caretakers, who are often the "sandwich generation" burdened by responsibilities towards their kin, both young and old, and who may face a personal crisis.

15. Furthermore, statutes may be lacking or inconsistent and reporting procedures inadequate. Those who could file reports may lack access or be untrained or reluctant to pursue the matter. This has often been the case in non-reporting elder abuse, and one of the main reasons why until recently it has received scant attention. Better recording of cases of maltreatment and sensitization of the professions likely to encounter them are a prerequisite for more accurate and meaningful information. 14/ Confidentiality issues arise, but are not insurmountable. Mandatory reporting procedures, instituted in some jurisdictions, can give a more complete picture but require case follow-up. Some data could be obtained quite easily: for example, official statistics could include information on the relationships and circumstances involved in crimes. Since data on different kinds of domestic violence often stem from different agencies, co-ordination of the sources and incorporation of the information in overall indices would increase its policy value.*

16. The incidence and forms of domestic violence vary between different societies. In some cultures, there is less restraint on displays of anger and a higher level of violence may be tolerated. Cultural norms may condone the use of violence against "dishonoured" females by male relatives, as well as the sexual mutilation of women. Domestic violence is not inevitable, however. Comparative surveys reveal its prevalence but also confirm the existence of societies where it is minimal,** providing indications for prevention.

B. Research needs

17. Various facets of domestic violence have started to be explored in depth, as have the patterns of response. Traditional respect for the family as an institution and its perception as a safe haven have tended to shield it from public scrutiny and official interference, protecting its privacy and inviolability. Though dysfunctional families have been no secret, their more

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*The collection, dissemination and exchange of relevant information can serve this purpose, furthered by the establishment of national data banks (e.g. Canada), regional clearing houses, for example, nited Nations Latin American Institute for the Prevention of Crime and the Treatment of Offenders (ILANUD), and international information networks, for example, Isis International Women's Information and Communication Service, United Nations Criminal Justice Information Network (UNCJIN) and the Women's Information System (WIS) of the Division for the Advancement of Women.

**A recent survey of societies in different regions found that domestic violence, while common around the world, was rare or absent in 15 of the 90 societies studied, David Levinson, Family Violence in Cross Cultural Perspective (Newbury Park, Cal., London, New Delhi, Sage, 1989).

acute manifestations have remained largely hidden. Efforts to preserve the family have not only constrained society's response to the conflicts within it, but also limited the knowledge on which possible options for action could be based. Public attitudes affect the attention given to different kinds of victimization in the family, both in research and policy-making. Child abuse is still a major focus of concern, but parental violence against adolescents has received scant notice, presumably because they may not seem as vulnerable and sympathetic; this may be changing with the increased concern about teenage incest. Violence between siblings, the most common form of violence in the family, and adolescent violence against parents, sometimes by proxy,* are yet to receive proper attention. Abuse of the elderly, long hidden and ignored, partly because of society's ambivalence towards the aged, is just beginning to elicit the research necessary for more than paternalistic policy-making. The range and dynamics of domestic violence, its prevalence, correlates and effects, are only now being empirically explored. Scientific assessments of the efficacy of different approaches are as yet rare, though some significant initiatives have recently been taken.

18. Research that can guide future policy-making has been conducted by individual scholars and practitioners and also in connection with special task forces, law reform bodies and commissions of inquiry on domestic violence** or on the larger problems of violence in society. Studies of the various kinds of family violence have reflected the interests and orientations of the professions that have drawn attention to them. Thus, child abuse and neglect have been studied primarily by medical and social workers and by psychologists; spouse assault, by activists for women's rights, clinicians and sociologists; other forms of family violence have received little research attention, though elder abuse is beginning to be investigated by social workers. There has been little communication and feedback between the various investigators, who have usually been isolated from criminological researchers and those studying the operation of the criminal justice system. Victimologists, including both criminologists and members of other professions, have provided a bridge, but until recently they have been concerned more with the relationship between victim and offender than with treatment or prevention of the victimization process.

19. Although during the last decade more systematic studies of different aspects of domestic violence have been undertaken, investigations have mostly used small samples and lacked a rigorous research design. Difficulties have also arisen from the different criteria used, problem of control groups required for experimental studies and methods employed, such as victimization surveys and self-reports, which are not always reliable. As a result, the findings have often been limited and inconsistent. 15/

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*A research team concluded that "children may be the most violent family members", estimating that over 29 million children a year committed one or more acts of physical violence towards a sibling in the United States of America, 19 million attacks were severe enough to be considered assaults if they had occurred outside the family. M. A. Straus, R. J. Gelles and S. K. Sinmetz, Behind Closed Doors: Violence in the American Family (Garden City, N.Y., 1981), p. 81. In some countries, teenage violence against parents (principally the mother) has aroused increasing concern. Government of Japan. Ministry of Justice. Summary of White Paper on Crime, Tokyo (1989), p. 144.

**For example, in Australia, Canada, New Zealand, Papua New Guinea, United Kingdom of Great Britain and Northern Ireland, United States of America.

20. Long-term research strategies require a comprehensive and reliable data base on the various kinds of domestic violence, integrated theoretical frameworks and sound methodologies, including longitudinal studies of the effects of certain interventions. In this perspective, different kinds of studies could still be undertaken (e.g. clinical investigations of the causes of domestic violence and cross-sectional ones to assess police handling of cases). In view of the complexity of the phenomena studied, a combination of methods and indicators might be used more often, including composite or experimentally validated measures, such as the conflict tactics (CT) scales. 16/ An interdisciplinary approach and techniques employed in other kinds of criminological studies and in general violence research could also be utilized.

21. Research on domestic violence, including programme assessment, should be translated into practice, from which it is still largely divorced. The costs need not be prohibitive if the research is well-thought out, included as part of operational procedures and undertaken as a collaborative endeavour, on a subregional, regional or international basis. This is true especially of cross-cultural studies. If it is carefully planned, action-oriented research should ultimately bring about savings, both in remedial service requirements and in reducing the human and social costs.

C. Dynamics of domestic violence

22. The reasons for the occurrence of domestic violence are manifold. They involve an interplay of psychological, social, economic and other factors, none of which alone can be held responsible for the phenomenon or the suffering it inflicts. Recent analyses have sought to systematize the available knowledge, take it further and provide a theoretical underpinning.

1. Some causes

23. Explanations of domestic violence have usually focused on certain aspects but have not always dealt with the full complex of factors. Governments and organizations concerned with women's rights, seeking to help battered wives and curtail other gender-based abuses, have viewed domestic violence largely as a result of unequal status in family and society. Other explanatory theories have highlighted particular aspects but there is a need for multifaceted anlyses as a basis for comprehensive effective strategies.

24. The use of corporal punishment as an "educational" tool is still widespread, and provides a frame of reference for children and parents alike. The limits of "legitimate" violence are tenuous and can easily be exceeded.* Cultures with non-violent means of social control provide alternatives. The inculcation of more pacific problem-solving techniques is a valid aim of corrective and preventive strategies to reduce domestic violence.

25. Recent research findings dispute some past assumptions. It is often thought that family violence is more prevalent among the poor because of their

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*See, for example, Monica A. Payne, "Use and Abuse of Corporal Punishment: a Caribbean view", in Child Abuse and Neglect, vol. 13 (1989), pp. 389-401. Research studies have found that the more a child experiences physical punishment, the higher the probability of assaulting spouses later in life. Murray A. Straus, "Corporal punishment of children and crime: a theoretical model and some empirical data" (1989).

deprivation and other frustrations.* However, economic insecurity, as well as alcohol and drug abuse, have been found to be contributory but not necessarily causal factors. 17/ Violence in the family often focuses on its weakest members: premature, retarded or developmental problem children, frail, elderly and pregnant women. Social isolation, inadequate communication and stress** play a role, but more detailed knowledge of the processes involved would facilitate appropriate action. Domestic violence has also been linked to the characteristics and psychological difficulties of its perpetrators (e.g. rigid, authoritative or immature personalities, with dependency and coping problems) and those of the victims (e.g. the handicapped). Lack of knowledge of child development, aging and disabilities contributes to hostility when unrealistic expectations are not met.***

26. Family violence must also be seen in its larger societal context and the processes that affect it, including social change. The breakdown of extended family structures has removed a customary social support network, usually without providing alternatives. The loosening of traditional ties and growth of the nuclear family, with its new roles and lifestyles, has opened up new possibilities but also new areas of potential conflict and stress. Ecological instability has been linked to increased domestic violence and abuse.**** The economic crises affecting developing countries and cutbacks in essential services have compounded the pressures which can prove criminogenic.***** Social change also has salutary effects, especially when egalitarian gains are consolidated and new modes of coping developed. Evolutionary and other

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*Violence in disadvantaged families may more often come to the attention of public agencies; however, recent studies have found that it crosses economic lines, see, for example, Lorna J. F. Smith, Domestic Violence: an Overview of the Literature (London, HMSO, 1989), p. 16 (Home Office Research Study, No. 17).

**Research using a multi-indicator measure of life stress, the State Stress Index, found a strong relationship between stress and primary group homicide, with a higher correlation for women, I. R. Bachman-Prehn, A. S. Linsky and M. A. Straus, "Homicide of family members, acquaintances and strangers, and state-to-state differences in social stress, social control and social norms" (1988).

***Disoriented elderly, retarded, hyperactive or autistic children and the marginally disabled may be especially at risk because their problems are not understood. See, for example, M. I. Benedict et al., "Reported maltreatment in children with multiple disabilities", Child Abuse and Neglect, vol. 14 (1990), pp. 207-217.

****The social indicators of family violence have been identified as markers of ecological instability proposed as an explanatory theory relevant also for developing countries. See, for example, E. B. Wilson-Oyelaran, "The ecological model and the study of child abuse in Nigeria", Child Abuse and Neglect, vol. 13, No. 3 (1989), pp. 379-387, and R. L. Burgess and P. Draper, "The explanation of family violence: the role of biological, behavioral, and cultural selection".

*****See, for example, United Nations, "Possible social consequences of the economic crisis: increased violence in the family and in society", paper prepared for the Interregional Seminar on Women and the Economic Crisis, held at Vienna, from 3 to 7 October 1988.

theories have focused on the processes at play. The premises are increasingly being formulated in multi-dimensional terms and empirical verification sought. The "general systems" theory has utilized a positive feedback model to bring together nearly all of the factors that have been mentioned at various times as contributing to family violence. It has also been used as a framework for their cross-cultural analysis. 18/

2. Effects

27. Domestic violence often has serious effects, including death. Severe neglect of children and the elderly can also have fatal repercussions. The mental consequences can be long-lasting, especially in multiple victimization (e.g. physical and sexual assault with damage to women and the foetus). Chronic abuse tends to escalate and may provoke counter-violence. Abused women often attempt suicide and are overrepresented among alcoholics, drug addicts and the mentally ill. A pattern of "learned helplessness" tends to emerge, the victims becoming passive, tired and numb, unable to perform but minimal functions; the loss of self-respect, shame and guilt can lead to almost total personality disintegration.

28. The impact of family violence on its members tends to be pervasive, including not only the parties concerned but the entire family constellation and frequently future families as well. Abusive fathers and abused mothers (or single mothers) often victimize their children. Violence has traumatic effects, not only on the direct victims but also on its witnesses, which usually are the children, exposed not only to the occurrences but also to the climate of violence in which they live. Protracted conflict, chronic victimization and the fear of new eruptions take their toll: symptoms of Post-Traumatic Stress Disorder, now included in psychiatric manuals as a clinical syndrome, are observable in both the direct and indirect victims, including children. For the latter, the example of violence as the primary coping mechanism limits the reactive repertoire and social competence, often perpetuating the pattern in the next generation.

29. Evidence suggests that abused children tend to become abusive parents, and that children brought up in violent families are also seriously affected (adult victims have often witnessed violence at home). Recent studies conducted in some developed countries conclude that from one third to one fifth of victimized children become abusive parents. 19/ Further research is needed not only on the epidemiology of the problem but also on the reasons for the differential victim response over time. The findings of longitudinal and other studies should advance knowledge of the inter-generational transmission of violence, with important policy implications.

30. It has been assumed, also in research, that violence between family members is fundamentally different from "street violence" - a factor in the reluctance to criminalize domestic violence. However, a recent analysis of data from three large-scale population surveys shows a link between physical assaults in the family and crimes outside of it. Children who were assaulted by their parents and witnessed assaults between them showed the highest rate of violence outside the family. 20/ The frequent linkages between violence in the home and other forms of criminality reinforce the call for an integrated approach.

31. The material and social costs of domestic violence are heavy, involving loss of productive time away from work, perpetuation of chronic dependence on public or voluntary assistance, law enforcement and related costs, and expenditures on criminal justice, medical, mental health and other social services.

II. THE RESPONSE

32. Increased recognition of the wide extent and complex nature of violence in the family has spurred the search for measures to curtail and prevent it. Originally directed primarily at specific victim groups (children, women), broader efforts are now being undertaken, but keeping in mind the needs of those particularly at risk. Though intensified research is yielding empirical results that can be utilized in policy formulation, mutual feedback is still rare. The manifold aspects of the problem and their frequent interfaces make it clear that a range of options is required, within a comprehensive framework.

A. The criminal justice system

1. The criminal law and other legal means

33. The tendency, in the past, to view domestic violence primarily as a medico-social problem, outside the purview of the public mechanisms of control, has helped to perpetuate it. By not condemning domestic violence as a punishable offence, society has indicated a certain level of tolerance for it. Even where laws define domestic assault or other forms of maltreatment as crimes, their application has often been impeded by the reluctance of criminal justice agencies and sometimes of the victims to invoke them.

34. Victims' legal options are increasing, however. Though civil and criminal law dispositions vary among countries, they usually provide some means of recourse. Legal and administrative provisions generally offer some protection to the victim by seeking to ensure at least short-term safety. Injurious acts involved in domestic violence, such as assault (simple or aggravated), manslaughter, murder or other harmful conduct, are legally defined as crimes in most countries. The family context has in the past kept some acts, such as rape, outside the ambit of criminal law, but this seems to be changing: in an increasing number of jurisdictions, rape and sexual assault are now considered crimes also in marriage. Greater consciousness of the problem of domestic violence has spurred new legislation in a number of countries; in others, draft legislation is under consideration. Sometimes, it has been introduced in the context of family law reforms (e.g. El Salvador, Guatemala, Honduras) or of measures designed to promote the rights and equality of women (e.g. Costa Rica). Elsewhere, specific statutes have been drawn up (e.g. Argentina). However, in many cases the laws adopted lack enforcement power, and information on them has not been widely disseminated. To serve its purpose, legal reform must be accompanied by suitable implementation means and public awareness campaigns, as well as acquainting professionals with the new procedures.

35. The main features of the new domestic violence legislation, at least in common law countries where it has been introduced (principally, Australia, Canada, New Zealand, United Kingdom of Great Britain and Northern Ireland and United States of America), are: specification of the range of offences constituting domestic violence; extension of police entry powers to dwellings where a domestic violence offence is suspected to have occurred; encouraging the police to institute proceedings rather than depending on the victim to bring charges; availability of a court protection order in cases of actual violence or reasonable fear of it (regardless of whether it is a marriage in law or the partners are cohabiting); making the onus of proof rest on the civil standard of "balance of probabilities"; extension of protection orders to cover others in the household, particularly children; compelling spouses to be witnesses; and making the breach of a protection order a criminal offence

and automatic grounds for arrest. 21/ The significance of prior relationships in the definition and grading of offences involving violence is also germane to criminal law reform, as is the development of a jurisprudence of family violence, which is raising important issues concerning the scope of criminal law and its role in regulating intimate human relations. 22/

2. The police

36. Although domestic disputes are among the most frequent calls for police assistance, the traditional police role in responding to domestic assault complaints has been one of limited intervention, reflecting society's attitudes. Officers have been disinclined to answer such calls and have seldom laid charges unless the violence occurred in their presence or the victim was seriously injured. In many places this attitude persists, and even though the procedure exists for charging a perpetrator of a domestic assault, it may not be utilized; if an arrest is made, it is often on other grounds, such as drunkenness, being a public nuisance or resisting an officer.

37. The results of a series of surveys have traced the reluctance of police officers to exercise their arrest powers to a number of reasons, including a lack of understanding of the victim's psychic injuries; fear that police intervention will inflame an already volatile situation, increasing the probability of violence to the victim and the officer; the notion that the criminal justice system should not interfere in family matters unless of a very serious nature (i.e. involving major physical injury); feeling that police action in domestic assaults, other than to separate the parties, is futile and does not resolve the problem; and the belief that victims of assault do not wish intervention by police officers or initiation of the judicial process other than to stop the immediate incident, and that police charges will not be supported by either the victim or other parts of the criminal justice system. Furthermore, many police departments lack specific guidelines for dealing with cases of domestic violence and officers generally receive little or no briefing on the dynamics of domestic assaults or on why victims often do not take action. 23/

38. A number of factors may discourage victims or potential victims from calling the police for assistance and involving the criminal justice system. They include an often realistic fear that the perpetrator will not be arrested, particularly when there is a history of abuse but no police action was taken in the past; mistrust of the legal system and apprehension of an inappropriate police response, especially among the poor or minorities. Victims may also be afraid that they might face arrest for drug or alcohol-linked acts, 24/ or that their children will be taken away.

39. Since the police are the agency with which the victim usually has the first and most critical contact, their attitude and behaviour are particularly important. They have a key role to play in assessing the emergency needs, administering or summoning first aid and establishing the basic facts of the case. In many of the large number of homicides perpetrated within the family, law enforcement officers have had previous contact with the family members. If advantage could be taken of these early contacts to intervene preventively, defuse the conflict and refer the parties for help in dealing with their problems, the frequency and severity of domestic violence might be significantly reduced. This opportunity is not always seized because of heavy police workloads and failure to fully appreciate the potential for influencing the situation. Police officers are often unfamiliar with the available social services or reluctant to enter into partnership with them, an attitude that tends to be reciprocated. This gap can be bridged by routinely providing

information on the available community resources and encouraging closer collaboration with social service providers. Policy and procedural changes that encourage police action against domestic violence can help to contain potentially explosive incidents and to enhance the protection available to victims.

40. Among the features of a domestic violence situation contributing to a decision to arrest, some have been identified as particularly important: the commission of a felony, serious injury to the victim, use of a weapon, violence against the police, presence of the parties at the scene, third party requests for intervention, alcohol abuse, likelihood of future violence and the victim's willingness to sign a complaint. The main factor identified by police officers as leading to a decision not to arrest was the victim's refusal to press charges. 25/ In spite of women's prevalence among the victims, police work continues to be mainly a male profession, though this seems to be gradually changing.* In Brazil, for instance, some 20 special police stations "in defence of women" have been set up in large cities since 1985, entirely staffed by women, collaborating with female lawyers, judges and social workers in the prosecution of cases. 26/ The Economic and Social Council, by its resolution 1990/15, annex, has recommended that the number of women at all levels of law enforcement, legal assistance and the judicial system should be increased.

41. In some countries, self-help efforts have been the response to perceived police inactivity or insensitivity to the occurrence of domestic violence, through mutual defence groups (e.g. Peru). 27/ In China, "habitant groups" take measures to prevent domestic violence from escalating by placing the victim with another family for a short period and disciplining the offender.** "Neighbourhood watch" programmes and other community self-help programmes can effectively expose and intercede in maltreatment, diminishing the level of tolerance for it. The importance of providing immediate protection for the victim has been borne out by cross-cultural studies highlighting the readiness of kin or neighbours to intervene in violent or potentially violent situations in societies with low rates of wife-beating and non-violent child-rearing practices. Delayed intervention, even by removing the victim from the situation, seemed to be ineffective as a preventive tactic, leading to the conclusion that such informal social controls can be the main restraint or a valuable adjunct, but where they are not available, swift action by the criminal justice system or other means is necessary to control domestic violence. 28/

42. This has not been the case in most countries where the police and the criminal justice system as a whole still tend to minimize the problem. In some, class actions have been brought against police departments for their alleged failure to intervene. But in a growing number of jurisdictions they

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*A United Nations survey of 24 countries, carried out in 1980, found that women in the police force averaged 4.7 per cent. A 1989 comparative survey, conducted by the Police Study Centre in the Netherlands found the average for 18 countries to be 7.15 per cent. See the report of the International Conference for Policewomen, Noordwijkerhout, the Netherlands, 19-23 March 1989.

**See Wu Han, "Forms of crisis intervention and types of immediate and structural measures to render assistance to women assaulted in the family", a case study prepared for the Expert Group Meeting on Violence in the Family, with Special Emphasis on its Effects on Women, held at Vienna from 8 to 12 December 1986 (BAW/EGM/86/CS.15).

are increasingly doing so: the police response has mirrored the shift in policy and public attitudes, though differences in approach persist. In some places, arrest is now encouraged as the preferred response to domestic violence (e.g. large metropolitan areas in Australia, Canada, United Kingdom and United States). The evidence from operational studies, conducted mainly in some developed countries, suggests that the arrest of the perpetrator is more effective as a deterrent than advisement, separation or no action in reducing subsequent violence in the case of misdemeanors involving violence against family members (primarily by male partners). It is not clear, however, if these results reflect specific deterrence, a displacement effect, or some other processes, and if the effect is lasting and holds for more serious offenders. Certain other questions remain, including whether a mandatory arrest policy is sufficient in itself; whether it will discourage victims from calling the police; and how it will affect the criminal justice system: baseline studies are being conducted to explore some of those issues and to permit a more informed and co-ordinated response. 29/

43. The mandatory arrest policy has also been challenged by those who feel that it does not always help victims or protect citizens' rights, especially when the victim does not want to press charges, and that it may aggravate the situation, increasing family stress and the risk of further violence. It has been proposed that, rather than eliminating police discretion in domestic violence incidents, it should be structured in accordance with clear guidelines and improved by appropriate training. The trend towards greater police accountability and closer police-community relations is also reflected in the new policy measures.

44. The studies conducted so far have focused on police responses to family violence, generally, and on violence between spouses, ex-spouses and cohabiting adults, specifically. There is hardly any research on police responses to child or elderly abuse,* since the police are rarely involved in the identification and reporting of such cases (unless murder is suspected). If at all, then they generally come to the attention of medical and social workers and, for child abuse, increasingly to that of teachers and school guidance counsellors.

3. Prosecution and sentencing

45. The judicial process in domestic violence cases suffers from certain constraints even when it is initiated. Since the offender's release on bail may threaten the victim's safety, the risk has to be carefully assessed and reduced as much as possible. Release of the offender without warning to the victim is to be avoided and safety measures taken. Seeking to balance the rights of the victim and the offender, some jurisdictions call for brief arrest and/or attach certain conditions to bail (e.g. restraining orders enjoining the offender to stay away from the victim) whose breach can lead to re-arrest.

46. Obtaining evidence in domestic violence cases presents further problems and constraints. Usually, there are no other witnesses present and injuries are not always visible or readily ascribable to the abuse. Those most vulnerable, infants and the infirm aged, cannot, or often do not adequately,

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*For the reasons for the rare police involvement in elder abuse and ways of increasing their partnership with protective services, see, for instance, M. C. Sengstock and M. Hwalek, "Domestic abuse of the elderly: which cases involve the police?", Journal of Interpersonal Violence (vol. 1, No. 3, Sept., 1986), pp. 335-349.

convey their hurt, and the offenders are understandably reluctant to do so. Even if they are able to testify, victims may be ambivalent about it or intimidated. Child victims may find the experience particularly traumatic, and ways of buffering it are being increasingly used (e.g. through videotaped statements). The professionals involved may be untrained in evidentiary matters or opposed to invoking the judicial process as contrary to the exigencies of confidentiality and inimical to the goal of family conflict resolution.

47. In the past, there seemed to be an established pattern of the majority of cases referred for prosecution by the police or on victim-initiated complaints being dismissed. But though research in this area is limited, the available findings on the prosecution of family violence cases as compared with crimes of violence between strangers tends to support the contention of differential prosecution policy, linked primarily to differences, or perceived differences, in victim/witness co-operation, and only secondarily, to the quality and quantity of the physical evidence available. In some jurisdictions wives cannot testify against husbands or be compelled to do so. Elsewhere, the assumption has been that they do not follow through; this has been borne out by some research findings, but not by others. The presumed effect of the victim/witness's relationship with the offender appears to be a key factor in the differential prosecution rate in domestic violence cases. Innovative programmes combining victim support with prosecutor-initiated proceedings have been found to reduce the case attrition rate. 29/

48. The fact that in many jurisdictions the legal procedures employed in the prosecution of family assaults categorized as misdemeanors require the victim to be the plaintiff, and not just a witness, can create special problems for the victim who, in addition to an understandable reluctance to play an active prosecution role, may also become more vulnerable to threats and retaliation from the assailant. Another reason for dropping proceedings is the possible loss of income if the offender is the primary wage-earner, and the fact that victims of family violence are often ineligible under victim compensation statutes. There is also a frequent lack of adequate information on the prosecution process, the expectations of the victim and the help offered by the system.

49. Some of these problems are faced by all victims. Ways of reducing the "second injury" often inflicted by the criminal justice process have been introduced in a growing number of countries. General measures to assist crime victims/witnesses are designed to offer them protection and support through victim advocates, counsel or ombudsmen, increased use of depositions (instead of court appearances), victim impact statements and victim notification of progress in the case (see E/AC.57/1988/3 and E/AC.57/1990/3). Special measures have also been taken to help victims of domestic violence. In some jurisdictions, the courts are authorized by law to establish special services. Often cases are brought to a family court, which offers the advantage of an informal setting and private proceedings conducive to negotiation; in some countries the family court can also handle criminal proceedings; elsewhere it can make referrals to other courts, of which it sometimes constitutes a chamber. In some places (e.g. New South Wales, Australia), community justice centres discharge a similar role. The large proportion of female judges in some countries* increases empathy in the system's response. In others,

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*See Tatiana N. Nikolaeva, "Forms of crisis intervention and types of immediate and structural measures to render assistance to women assaulted in the family", a background paper prepared for the Expert Group Meeting on Violence in the Family, with Special Emphasis on its Effects on Women, held at Vienna from 8 to 12 December 1986 (BAW/EGM/BP.2).

special family violence prosecution units have been created (e.g. Canada). These prosecute family violence cases vigorously, signing the complaints and serving as plaintiffs, or continuing the case even without the victim's co-operation, with significant conviction rates.

50. There are few empirical studies on the effectiveness of prosecution, conviction or sentencing in deterring subsequent family violence. Their findings suggest that prosecution is effective in reducing the likelihood of subsequent violence by less serious offenders, but no evidence has been found of the effectiveness of prosecution for those with a history of more serious violence. The deterrent effect of civil restraining orders has also been investigated: the majority of the women considered them effective in achieving their aim, but the actual findings do not support the premise that such orders reduce the probability of subsequent violence, especially when there is weak enforcement. 30/ Further research could usefully assess the deterrent effect of sanctions of different severity on perpetrators of domestic violence.

51. A number of other questions merit evaluative research, for example, whether successful prosecution is any more effective than the threat of prosecution alone, and whether mandatory prosecution may not have an effect opposite to that intended, by constraining rather than empowering the victim. An array of measures is needed to deal with the continuum of those who resort to violence, with more severe sanctions employed where there is a persistent pattern of abuse. Consistent sanctions are a more effective potential means of deterrence than the present largely nominal penalties.

52. The criminal justice process reflects the larger society of which it is a part and can promote the process of change designed to increase equity, protect the victim and manage the offender, so as to reduce human suffering, increase family viability and minimize social costs. The system of justice can also be the springboard for other kinds of interventions, and though compartmentalization and some mutual distrust between criminal justice personnel and other service providers persists, they have increasingly been working towards common objectives and complementing each other. Treatment for the offenders may be ordered as part of the sentencing disposition, or instead of a custodial sanction, or as a form of pre-sentence diversion. Though the success of most forms of treatment depends on the offender's motivation and readiness to seek it, its coercive origin need not preclude success.

B. Provision of services and prevention

53. Apart from the criminal justice system, or often in its context, programmes or specific measures have been instituted to protect and assist victims of domestic violence and to treat the offenders. Since their aim is as much to prevent further abuses as to provide relief from the existing situation, they are considered together. Among the measures taken, some are mediate and short-term, others necessarily of longer duration. But since the time-frame is not their main distinguishing feature, they are considered together.

1. Emergency facilities and crisis intervention

54. Emergency telephone lines serve different types of victim or other troubled persons, including possible offenders, and assure a sympathetic ear; they are staffed mostly by paraprofessionals and volunteers. Hot-lines for child abuse cases* and for battered women have often been provided in

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*In some places there are special "child phones" that can be used even by small victims.

connection with shelters. Though the anonymity of callers, which makes follow-up impossible, has impeded the evaluation of the efficacy of such measures, quantitative estimates indicate that they compare favourably with the intake of social service agencies, to which they often refer calls. The problem, however, is that, particularly in developing countries, telephones may not be available and the victim may be isolated also from other means of communication; local women's networks or an ombudsman can literally provide a lifeline in the case of need.

55. Crisis intervention is increasingly being provided by trained police units responding to domestic violence calls, although there is some question about combining a law enforcement and mediating role. In some jurisdictions, therefore (e.g. Netherlands), social workers accompany the police to fulfil this function or there are teams of police and trained volunteers (e.g. Canada); elsewhere, the police call them in if necessary, or court-appointed mediators or arbitrators are used to facilitate dispute settlement. In developing countries, where customary mechanisms still exist, they are also used for this purpose (e.g. the village court in Papua New Guinea), as are interventions by members of the extended family. More structured conflict resolution schemes operate in some countries, including the Yugoslav conciliation boards, Chinese neighbourhood committees and alternative dispute resolution schemes introduced in an increasing number of jurisdictions in Australia, Canada, New Zealand and the United States, with promising results. In France, a co-ordinating body, the National Institute for Aid to Victims and for Mediation (INAVEM), inter alia, creates structures for mediation and promotes their use in conflict resolution. 31/ Most mediation schemes seek to maintain the family if possible; they can also crystallize positions and feelings, leading to its dissolution, but under more equitable terms. However, mediation and negotiation do not automatically ensure safety; the criminal justice framework should serve this function.*

56. The first shelter for battered women was established in England some two decades ago. Conceived as a centre to provide advice for women in problem marriages, it soon included also residential accommodation. The function of shelters as a refuge from violent abuse, source of support, mutual help and practical advice has led to their rapid growth: there are over 700 in one developed country alone, and similar facilities, on a more limited scale, exist in many countries, including some developing ones. Usually sponsored by women's organizations and community groups, the shelters are sometimes publicly assisted but more often rely on self-financing and volunteers, some of whom offer "safe houses". The availability of space lags behind the demand, and even where they exist, shelters are often overcrowded, particularly since many women flee with their children. Multi-purpose centres, offering information, counselling and legal aid, sometimes also provide emergency accommodation that is usually even more cramped.

57. In the few evaluations conducted, shelters have been highly rated by the women who have used them, as have centres providing supportive counselling and legal advocacy, whose reach-out efforts often include a public education function. Residential facilities for other groups, such as abused children,

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*There has been a tendency to view crisis intervention and arrest as alternatives. This need not be the case: some jurisdictions, for example, in London, Ontario, a model is used that combines them. See, also, "Mandatory mediation and summary jury trial: guidance for ensuring fair and effective processes", Harvard Law Review, vol. 103, No. 5 (March 1990), pp. 1086-1104.

exist in certain countries (e.g. Belgium). Men involved in domestic violence (mostly, but not always, as perpetrators participating in treatment programmes) have sometimes been included. Multi-client facilities exist, for instance, in Finland where "safety homes" accommodate, in addition to women and children, also men and old persons subjected to violence by their adult offspring. Critically important as such shelters are, however, they are not enough. Long-term arrangements must often be provided. For children, alternatives are needed to traditional child foster care with its shortcomings. The maltreated elderly can be transferred to nursing homes but this can be traumatic and substitute institutional for domestic abuse. New options can be utilized, including day centres, out-placements for vulnerable adults and semi-independent living, with medical care and community supports, as well as in-the-home relief.

2. Respite care

58. Respite care offers a means of relieving the burden and stress of family caretakers, which increase the likelihood of victimization, particularly of children or the elderly. At the same time, it can afford at least some monitoring and protection for the victims. Short-term emergency day-care for abused children and adolescents, designed to meet their special needs, can be supplemented by social learning programmes for parents. Visiting nurses, homemakers and other helpers can provide much needed respite for caretakers of the elderly and follow their situation, but they themselves should be monitored to avoid irregularities. Assessments of respite care have found it helpful in reducing physical and emotional abuse and in countering neglect of the elderly; it should be complemented by effective means of preventing financial abuse and other infringements of basic rights.

3. Other assistance

59. The requisite medical and mental health care may have to be provided in many cases, both as a means of treatment and prevention. Vocational training and social learning can develop coping skills and provide education for life. Gainful employment for the victim and/or offender may be a key to greater independence and reduced abuse. Separate longer term living quarters may be required, with priority given to victims of domestic violence in public housing. Legal aid and financial assistance are also necessary to be able to leave an abusive relationship. Though domestic violence cases are usually excluded from victim compensation schemes, in some jurisdictions it is possible under an ex gratia clause (e.g. United Kingdom), if certain conditions are met (e.g. offender prosecuted and not to benefit from the award). The extension of compensation orders to victims of domestic violence should be further pursued.

C. Treatment modalities

60. Different treatment modalities, based as much on professional orientations and theoretical perspectives as on treatment needs, have been utilized to deal both with the victims and perpetrators of domestic violence. Some focus on treating the "dysfunctional family" as a whole, seeking to resolve family conflicts and to improve the functioning of the family as a psychosocial system.

1. Counselling and therapeutic programmes

61. Counselling services for victims usually offer practical advice and psychological support; some also include job readiness training and other

means of fostering the victim's independence. Comprehensive programmes of this kind have shown considerable promise. They may be offered by specialized facilities, such as those concerned with abuses against women, or by multi-purpose victim services. Psychotherapeutic treatment varies with particular victim groups and type of abuse, but there are enough common features to identify some principal orientations. Mainly, these are the self-help, cognitive-behavioural or social learning, educational, psychodynamic or family-systems approaches. 32/ They are not entirely distinct, can be used in combination and have also been employed to treat the offenders.

62. Family counselling and reconciliation programmes and family therapy of greater depth have been used largely for multi-problem families and cases of child abuse in the hope that change in the parents will also benefit the children. They include briefings on child development and needs, and seek to improve coping skills through insight and social learning. 33/ They are predicated on the interactional nature of much abuse and sometimes accompanied by individual treatment, including the child victims, in recognition of the emotional damage that maltreatment can cause. Treatment of abusive parents employing the psychodynamic model focuses on the presumed personality disorders deriving from an early lack of nurturing, and attempts to work through repressed conflicts. In-depth family therapy seeks to respond to both the problems within the family and its interfaces with other social systems conducive to victimization, but which can also be drawn upon for remedial purposes. While the family systems approach makes it difficult to identify the "active ingredient" responsible for positive change, the results indicate a measure of success.

63. Cognitive-behavioural treatment of battered women has been used to some effect, but the results are not unequivocal. Group therapy for this category of victims, often provided through self-help affinity groups, has been deemed helpful because it permits the sharing of painful experiences, provides a social support network that offsets the victims' frequent isolation and increases their empowerment.

64. Play therapy has been used with abused children (also as a diagnostic means) but its efficacy has not been assessed. Favourable results have been obtained for methods based on social learning theory, used to decrease the withdrawn behaviour of maltreated children, but the transferability of the findings is limited by the small sample size. New techniques for treating Post-Traumatic Stress Disorder have been used with both adult and child victims, but their efficacy is only beginning to be assessed. There are no real treatment initiatives for the abused elderly, apart from home visitors' programmes (nurses, social workers), which may provide a modicum of help.* The failure to develop appropriate means of psychosocial support for those who are not only easy prey to abuse but also face the tribulations of sickness and fear of impending death is an indication of institutional reluctance to invest effort where there are limited prospects of future returns.

65. Treatment programmes for the perpetrators of domestic violence have been offered as an alternative to prosecution or incarceration. Some success is reported, but further evaluations are necessary. Some programmes are

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*Measures on behalf of the elderly may pose an additional problem. They have been modelled largely on child-protection policies. Protective means that are respectful of older people's dignity and basic human rights as well as their special needs must be developed and more widely applied.

government sponsored, 34/ though many are run by voluntary organizations. They may be administered by social service agencies or facilities such as shelters, and include a mixture of insight and non-violent problem-solving, as well as anger control techniques and aversive training. 35/ Behavioural methods may produce displacement effects or superficial desistance instead of genuine deeper level change. Successful treatment requires motivation rather than merely the willingness to complete court-mandated programmes in order to avoid imprisonment. One of the main positive factors is the encouragement of partners who welcome the treatment option in lieu of mere incarceration.

66. Self-help efforts, such as Batterers Anonymous, are similar to other affinity groups that use "rap" sessions and mutual support, but they usually employ trained counsellors to guide and advise the group leaders. They have shown promise, particularly in overcoming the frequent isolation of batterers by the creation of networks emphasizing friendship and sharing, which also foster communication and a reorientation of traditional male attitudes.* Collaborative arrangements between self-help efforts and services for both partners can enhance their efficacy.

2. Towards an integrated approach

67. For more effective policies, the partnership between the criminal justice system and other service providers needs to be strengthened and possible conflicts of interest resolved. There are still basic conceptual and practical differences in approach, with proponents, respectively, of privatization, contingent and compulsory intervention. No single model is likely to serve all situations; a flexible approach depending on the circumstances and requirements of the case might well be introduced within broad policy guidelines. Each country and each society must look to its own culture and mores for possible answers that will serve the purpose: there is a wealth of indigenous approaches and traditions that can be drawn upon for preventive mechanisms and means of support, assistance and redress. These can be reinforced in the light of the suggested principles, as adapted to national and local realities. Congruent actions have been facilitated by the establishment of special government units or focal points in some places (e.g. co-ordinating committees or contact persons).** Synergistic efforts can maximize the often limited resources, drawing on both governmental and non-governmental support and on public participation.

68. Official mechanisms and financial sponsorship underscore a Government's commitment to action against domestic violence and provide an essential source

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*In New Zealand, more than 30 such groups now exist in major cities and for Maoris. Their aim is to increase understanding, stop violence and change social structures that support and endorse violence. A loose network of men's groups co-ordinates activities nationally (Wellington, Family Violence Prevention Co-ordinating Committee Report, 1987).

**Where the problem has been highlighted and the response firmed up, the rate of family violence has apparently declined. See, for example, the results of the 1985 National Resurvey of Family Violence in the United States.

of aid.* In some countries, the ministries of justice and those for family and/or women's affairs have taken the lead in this regard,** issuing directories and guidebooks, sometimes in co-operation with international agencies or voluntary organizations. 36/ The latter have played a pioneering role and are still instrumental in spurring action in this sphere, which can be further advanced with suitable official backstopping. No less important is proper co-ordination between all the services concerned, especially in areas where there may be multiple agencies and competence dispersed, as in the case of elder or child abuse. 37/ The use of multidisciplinary teams is proving especially useful in this connection.***

69. In order to be more effective than they have been in the past, attempts to curtail and prevent family violence must be part of an integrated effort pursued in the context of both family policy and criminal policy, within a framework incorporating also relevant aspects of policies concerned with women, children and youth, the aged and disabled. Specific interventions can be planned in such a holistic perspective that takes into account not only the often interrelated problems of dysfunctional families but also other pertinent programmes and broader issues of social justice, income security, access to housing, education and employment, health policy and human resources planning.

D. Training, public education and attitude change

70. Specialized training for those dealing with domestic violence is an exigency cutting across professional lines and service delivery systems, involving different types of personnel, including paraprofessionals and volunteers. The accumulating knowledge of various aspects of domestic violence permits a clearer perception of their roles in providing redress and forestalling future victimization. Clear policy directives and sensitivity training, along with other ways of increasing police awareness of the requirements and their crisis intervention skills, can enhance the police function and victim satisfaction. In a number of countries special training programmes have been instituted to upgrade police capabilities and responsiveness. The introduction into police curricula of material on victim assistance and conflict management is helping in the development of expertise in the techniques to be used in family violence situations, with specific victim and offender groups.

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*The provision and promotion by the State of special medical and welfare services for victims of acts of domestic violence and other abuses were recommended in the Abuja Communique, adopted at a National Conference on Victims held in Nigeria in 1989.

**See, for example, Commission for the Prevention of Violence against Women, established in the Secretariat for Human and Family Development (Ministry of Health and Social Action) of Argentina (CEDAW/C.5/Add.39/Amend.1); and Primer Encuentro Nacional de Centros de Prevención de la Violencia Doméstica y de Atención a la Mujer Golpeada, Chapadmalal, Argentina, from 24 to 26 November 1988.

***The use of multidisciplinary teams of caretakers - from the medical, mental health, social service and legal professions, whenever possible, along with the utilization of supportive community resources that provide in-home services, respite and stress reduction for high-risk families - was recommended in the World Medical Association's Declaration on the Abuse of the Elderly (Hong Kong, September 1989).

71. The courts have made some strides, but still view victims, including those of domestic violence, primarily as witnesses to provide the substantiating elements of a case. Although measures are increasingly being taken to minimize the inconvenience and further trauma to victim-witnesses and to reflect their viewpoints, victim advocates are rarely an integral part of the judicial system. The perspective they offer can help to sensitize the courts, but wider training efforts for members of the judiciary are required to promote understanding of the problems and dilemmas faced by victims of domestic abuse. The protective task of the justice apparatus can be enhanced by a better perception of the consequences of decisions taken, risks involved and necessary precautions. Sentencing guidelines, special training and refresher courses for prosecutors and judges would foster more appropriate and consistent dispositions in domestic violence cases. Available research results should be communicated, and emphasis placed on the application of sanctions commensurate with the gravity and persistence of the abuse, rather than using them largely symbolically, which may suffice only for less serious offenders.

72. Since punishment per se has little re-educative value, and in view of the significant attrition rate of voluntary or unsupervised programmes for perpetrators of domestic violence, where institutionalization is mandated, it could be used for appropriate treatment and, if made a condition of probation, then proper supervision provided. Here, again, professional education must provide this added dimension likely to affect the outcome of the judicial process and of the verdict rendered.

73. Close co-operation between the criminal justice and social service delivery systems can foster the cross-fertilization of knowledge and experience as well as co-ordinated action. Each system has much to offer and can broaden the perspective of the other: joint seminars and training courses in areas of common concern can augment expertise, facilitate communication and increase co-operation. An ongoing dialogue, through shared issue-oriented training, would infuse new insights and competence into the detection and handling of criminal family violence cases.

74. Special training materials can help this process, including the development of core curricula for the different specialties concerned with domestic violence (see, also, A/CONF.144/18). This has been done in the treatment of Post-Traumatic Stress Disorder, relevant to the whole spectrum of victimization subsumed under domestic violence. In those developing countries where the infrastructure and qualified personnel are as yet lacking, training could be provided in the context of primary health care and basic social services,* as well as in the framework of the criminal justice system and customary justice mechanisms. There is also a need for training researchers on domestic violence.** Collaborative initiatives in this field can help to pool available expertise and limited resources: some have been taken subregionally; 38/ they could be replicated and expanded.

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*A WHO sponsored initiative is seeking to do so; see, also, M. K. Jinadu, "Combating child abuse and neglect in developing and newly industrializing countries: a unique primary health care approach", Child Abuse and Neglect, vol. 10 (1986), pp. 115-120.

**It is being provided by some research centres active in this field (e.g. Family Violence Laboratory of the University of New Hampshire, United States), but could be extended to participants from developing countries.

75. If domestic violence is to be reduced and its victims helped, then not only official and professional attitudes must change, but also public opinion. This requires widespread educational efforts designed to deglamorize and censure the use of violence, including the focus on it by the mass media. Placing a premium on peaceable ways of handling interpersonal disputes from an early age on and using the family and school as a training ground would help to inculcate non-violent values and to promote a life-style relying on this form of conflict resolution as well as a sense of justice and empathy.

76. Cross-cultural research, which has identified the factors typical of societies without family violence, or where it is minimal, has yielded important cues for social policy-making and the direction of educational efforts. The key elements are equality and closeness in marital relationships, co-operation, commitment and respect for human dignity. In such societies, there are apparently no rigid sex roles: husbands and wives share in domestic decision-making; wives have some control over the fruits of family labour; marriage is monogamous and both parties can divorce easily, though divorce is rare; there is no pre-marital sex double standard; disputes are resolved peacefully (and anger handled alternatively), with immediate third-party intervention at any sign of violence or impending violence. 39/ More research of this kind is needed, but it will remain a scholarly exercise if the knowledge gained is not applied.

III. CONCLUSIONS: STRATEGY FOR THE FUTURE

77. By resolution 44/82 of 8 December 1989, the General Assembly proclaimed 1994 as International Year of the Family. In its resolution, the Assembly recalled previous resolutions on the need for enhanced international co-operation in the protection of and assistance to the family. In this connection, the General Assembly decided that activities should be concentrated at the local, regional and national levels, assisted by the United Nations system.

78. The United Nations policy-making bodies and offices concerned with crime prevention and criminal justice, the advancement of women, aging, the disabled, youth and the family are contributing to this endeavour. The 1986 Expert Group on Violence in the Family adopted a series of recommendations urging action on various fronts.* The present report has traced the gains made in some areas and the most pressing needs, in light of the results of empirical research. The Eighth Congress has a special opportunity of influencing the direction of future efforts. In so doing, it will no doubt be aware that progress has been uneven, and that in spite of the prevalence of domestic violence, there are still sustained attempts to relegate it to "the privacy of the home".

79. It is clear, however, that the process cannot be reversed. Member States and the international community as a whole have expressed their concern about violence in the family as an urgent problem deserving attention and concerted action. In adopting a common strategy and putting it into effect, all relevant parts of the United Nations system have a role to play. A strategy for the future would necessitate sustained efforts at various levels, including the following measures.

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*Comprehensive recommendations on measures against domestic violence have also been adopted by intergovernmental organizations, such as the Council of Europe (see Recommendations No. R (85) 4 and No. R (90) 2 of the Committee of Ministers).

A. National and local measures

1. Criminal justice system and other legal means

(a) Periodic reviews of legislation, procedures and practices, and introduction of reforms to ensure concordance with international conventions and norms proscribing domestic violence; definition of violent acts in the family as crimes punishable with sanctions comparable to those imposed for such acts committed outside the family, the term to include cohabiting partners and separated or divorced persons;

(b) Adequate procedures to protect the victim's interests (including access to and custody of children), safety and independence, with the possible removal of, and enforceable protection orders against, the presumed offender or alternative accommodation for the victim(s), and such other emergency and financial provisions as may be necessary;

(c) Effective police investigation, recording and intervention in domestic violence cases, with sensitivity to the problems, awareness of the victims' needs and respect for the dignity and privacy of the parties;

(d) Crisis intervention and other means of conflict resolution by trained police officers or special mediators, with appropriate referrals to other agencies and/or initiation of criminal or other proceedings;

(e) Notifying the victim of the available options and relevant developments in the case, including conditional release of the defendant on bail, and adequate protection in such cases;

(f) Utilization of family courts or other judicial mechanisms to permit informal proceedings, private hearings and prompt processing of cases involving domestic violence;

(g) Prosecution of family violence cases ex officio by specially designated prosecutors, on the basis of evidence comparable to that used in non-family violence cases;

(h) A full range of sentencing dispositions to ensure maximum protection of the victim and society and socialization of the offender, with special conditions, such as participation in psychotherapy, substance abuse treatment, educational or job training and/or self-help programmes, removal from the common domicile, financial or other compensation of the victim, community service and public apology;

(i) Due consideration, in intra-family homicides or other serious crimes, of the defendant's possible recourse to retaliatory violence after repeated victimization.

2. Treatment interventions and service delivery

(j) Provision of emergency facilities and crisis intervention mechanisms, with public support and community involvement;

(k) Incorporation of diagnostic procedures and services for victims and perpetrators of domestic violence in primary health care and basic social services, where other facilities may not yet be available;

(l) Development of treatment modalities to deal with the overall problems and special aspects of domestic violence, including family therapy and programmes for the respective victim groups, especially those that have received inadequate treatment attention in the past (e.g. the elderly), as well as programmes to promote desistance by the offenders;

(m) New forms of service delivery in cases of domestic violence, including self-help and community initiatives, and comprehensive, multidisciplinary efforts involving public agencies and non-governmental organizations, utilizing both professionals and volunteers;

(n) Systematic innovation in this field, through pilot projects with built-in evaluation schemes, regular monitoring and replication of fruitful approaches;

(o) Promotion of coherent policies for treating and preventing domestic violence in the context of broader socio-economic policies and the furtherance of equity and justice.

3. Training, education and attitude change

(p) Promotion of pre- and in-service training on ways of detecting and dealing with domestic violence in its various forms, including special courses for health, educational, social service and criminal justice personnel in victim needs and the available options, joint training initiatives and multidisciplinary training for treatment providers;

(q) Use of specialized cadres (e.g. female police units); development of criteria, codes of practice and training materials for the various professions and auxiliaries involved, with victim input, and of interdisciplinary, issue-oriented curricula;

(r) New staff utilization patterns, including multidisciplinary teams and collaborative efforts involving the various systems, including criminal justice;

(s) Sensitivity training and consciousness-raising for professionals, paraprofessionals and volunteers, as well as the general public, including focused educational programmes and multimedia campaigns designed to increase awareness of domestic violence problems and ways of curtailing them through official means of recourse and community-based initiatives;

(t) School courses and out-of-school education on parenting and family planning, as well as on non-violent means of conflict resolution;

(u) Public education campaigns, including media programming, designed to deglamorize and decrease the depiction and use of violence, as well as to reduce sex-based and age-based discrimination and other inequitable practices and attitudes;

(v) Promotion, through formal and informal educational means, of respect for basic human rights, equality, dignity and worth of all persons, of tolerance and partnership values, and of co-operative approaches to problem-solving.

4. Information and research

(w) Better reporting, recording and data systems on the various aspects of domestic violence, using standardized and comparable definitions and classification criteria (including information on perpetrators and victims and circumstances of the offence), supplemented by assessments of the "dark figure" of such crimes;

(x) Intensification of research on all aspects of family violence and the response to it, with emphasis on more rigorous research designs and controlled studies, longitudinal analyses and evaluation of the effectiveness of the different approaches and measures taken;

(y) Inclusion in crime and justice data bases and clearinghouse facilities of information in this area, with special emphasis on promising developments and research findings;

B. International measures

(z) Collaborative cross-cultural research studies on the various facets of domestic violence, its linkages and ways of dealing with it, as a guide to policy-making and programming;

(aa) Comparative victimization surveys and other means of determining the real extent of domestic violence in its various forms, and development of sound methodologies for assessing needs in this field and the effectiveness of the modalities of response;

(bb) Seminars for criminal policy makers, legislators and criminal justice administrators, to promote the necessary reforms and ensure a multiplier effect;

(cc) Training courses for criminal justice personnel and other relevant staff to highlight major issues in this field and promising approaches as a way of training the trainers. Problem-solving workshops on non-violent conflict-resolution techniques, including crisis intervention, mediation and arbitration;

(dd) Seminars for educators, media representatives, social psychologists, clergy and victim advocates to propagate strategies for effecting attitude change and promoting more equitable, just and peaceful societies, responsive to the plight of victims;

(ee) Technical co-operation and assistance in applying the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, adopted by the General Assembly in its resolution 40/34, annex, of 29 November 1985, utilizing also the Guide for Practitioners of the Declaration (A/CONF.144/20), implementation principles and training curricula developed in this connection, as well as the present recommendations;

(ff) Development of model legislation, pilot schemes and demonstration projects designed to promote redress for, and assistance to, crime victims, including victim support schemes and treatment programmes especially applicable to cases of domestic violence;

(gg) Collection and dissemination of information, and professional and scientific exchanges in this field;

(hh) Mobilization of governmental and non-governmental support for comprehensive efforts in this area, and of seed money for relevant activities;

(ii) Promotion of collaborative initiatives by the United Nations system to ensure integrated action and effective follow-up of the decisions of the United Nations policy-making bodies and other international recommendations in this field, especially those of the Eighth Congress, including the convening of the meeting proposed by the 1986 Expert Group on Violence in the Family, as part of the preparations for the International Year of the Family and the Ninth Congress.

Notes

1/ Report of the World Conference to Review and Appraise the Achievements of the United Nations Decade for Women: Equality, Development and Peace, Nairobi, 15-26 July 1985 (United Nations publication, Sales No. E.85.IV.10), chap. I, sect. A.

2/ Sixth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Caracas, 25 August-5 September 1980 (United Nations publication, Sales No. E.81.IV.4), chap. I, sect. B.

3/ Delbert S. Elliott, "Criminal justice procedures in family violence crimes", Family Violence, Lloyd Ohlin and Michael Tonry, eds. (Chicago and London, University of Chicago Press, 1989).

4/ Leah J. Dickstein and Carol C. Nadelson, eds. Family Violence: Emerging Issues of a National Crisis (Washington, D.C., American Psychiatric Press, 1989), Clinical Practice Series No. 3.

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6/ Rosalie S. Wolf and Karl A. Pillemer, Helping Elderly Victims: The Reality of Elder Abuse (New York, Columbia University Press, 1989), p. 20; Mildred Dailey Pagelow, "The incidence and prevalence of criminal abuse of other family members", in Ohlin and Tonry, op. cit., pp. 263-278. See, also, R. L. Pierce and R. Trotta, "Abused parents: a hidden family problem", Journal of Family Violence, vol. 1, No. 1, 1986, p. 103.

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11/ See, for example, S. M. Diaz, "Domestic violence in the Indian setting", Domestic Violence, Z. P. Separović and Wanda Jamieson, eds. (Dubrovnik, 1988), pp. 101-105; and Hira Singh, "Forms of crisis intervention and types of immediate and structural measures to render assistance to women assaulted in the family", a case study prepared for the Expert Group Meeting on Violence in the Family, with Special Emphasis on its Effects on Women, held at Vienna, from 8 to 12 December 1986 (BAW/EGM/86/CS.13).

12/ See, for example, James Gabarino, "The incidence and prevalence of child maltreatment". See, also, Pagelow, loc. sit., pp. 219-313.

13/ Straus and Gelles, loc. cit., p. 20.

14/ See, also, G. Elyse Salend and others, "Elder abuse reporting: limitations of statutes", Gerontologist, vol. 24, No. 1 (1984), pp. 61-69; and Dickstein and Nadelson, op. cit., p. 232.

15/ See, also, Joseph G. Weis, "Family violence research methodology and design", in Ohlin and Tonry, op. cit., pp. 117-162; and Hotaling and others, op. cit.

16/ See, also, Murray A. Straus, "Measuring intrafamily conflict and violence: the conflict tactics (CT) scales", Physical Violence in American Families: risk factors and adaptations to violence in 8,145 families, Murray A. Straus and Richard J. Gelles, eds. (New Brunswick, New Jersey, Transaction, 1990), pp. 29-47.

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27/ Response to victimization of women and children, vol. 12, No. 2 (2 November 1989), p. 9.

28/ Levinson, op. cit., p. 452.

29/ See, also, Elliott, loc. cit.; J. Hanmer, J. Radford and E. A. Stanko, Women, Policing and Male Violence: International Perspectives (London, Rutledge, 1989); J. W. Meeker and A. Binder, "Experiments as reforms: the impact of the 'Minneapolis Experiment' on police policy", Journal of Police Science and Administration, vol. 17, No. 2 (1990); and D. J. Gamache, J. L. Edleson and M. D. Schock, "Co-ordinated police, judicial and social service response to women battering: a multiple baseline evaluation across three communities", in Coping with Family Violence: Research and Policies Perspectives, Gerald T. Hotaling and others, eds. (Newbury Park, Sage Publications, 1988), pp. 193-211.

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